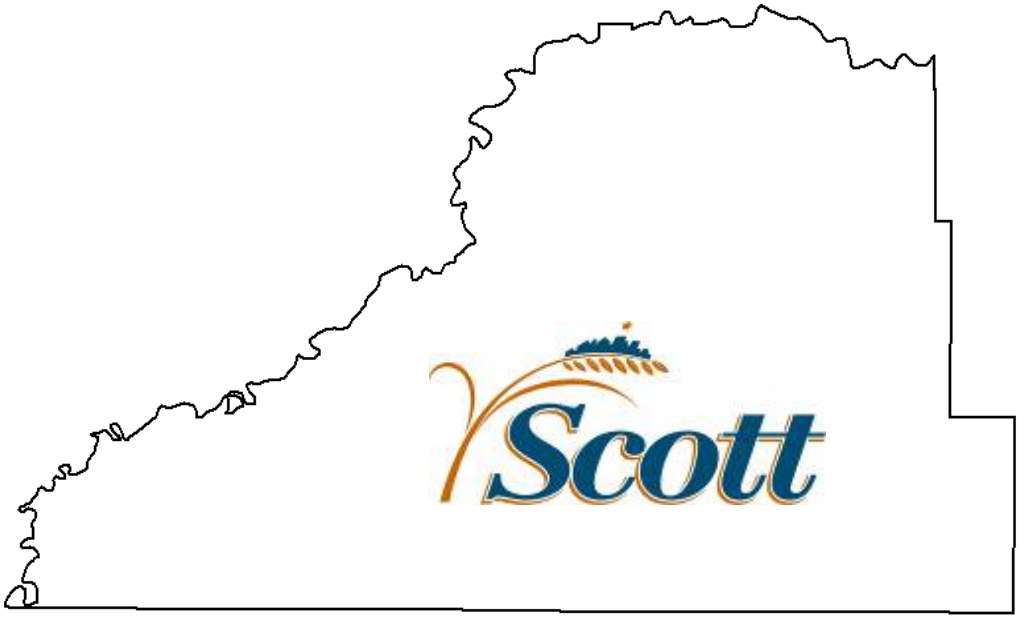
DRAFT dated July 13, 2020

SCOTT COUNTY

ZONING ORDINANCE NO. 3



Adopted by Scott County Board May 22, 2001, Effective May 23, 2001

Comprehensive Revision #1 Adopted by Scott County Board January 12, 2010, Effective January 20, 2010

Comprehensive Revision #2 Adopted by Scott County Board _____, 2020, Effective _____, 2020

Amendments to the Zoning Ordinance will be posted on the County web site at:
www.scottcountymn.gov

AMENDMENTS

~~**Amended by Scott County Board October 12, 2010, Effective October 12, 2010**~~
~~Amend Chapter 6, Stormwater Management, Erosion Control, and Wetlands~~

~~**Amended by Scott County Board February 1, 2011, Effective February 1, 2011**~~
~~Amend Chapter 1, Title and Application; Chapter 4 General Provisions; Chapter 9 Animals, Stables and Feedlots; Chapter 16 Land Use Descriptions and Standards; Chapter 20 General Zoning District; and Chapter 70 Shoreland District~~

~~**Amended by Scott County Board May 3, 2011, Effective May 3, 2011**~~
~~Amend Chapter 4, General Provisions, Lot and Yard Requirements~~

~~**Amended by Scott County Board April 10, 2012, Effective April 10, 2012**~~
~~Amend Chapter 2: Administration, 2-2 Board of Adjustment and 2-3 Variances; Chapter 5, Traffic, Parking, Access, and Loading; and Chapter 6, Stormwater Management, Erosion Control and Wetlands.~~

~~**Amended by Scott County Board February 5, 2013, Effective February 5, 2013**~~
~~Amend Chapter 9: Animals, Stables and Feedlots; and Chapter 12: Energy Systems.~~

~~**Amended by Scott County Board February 4, 2014, Effective February 4, 2014**~~
~~Amend Chapter 11: Signs; and Chapter 16: Land Use Descriptions and Standards.~~

~~**Amended by Scott County Board April 1, 2014, Effective April 1, 2014**~~
~~Amend Scott County Zoning Ordinance No. 3: Chapter 1-7 Definitions; Chapter 4-3-2 Dwelling Units Prohibited; Chapter 4-3-9 Accessory Buildings and Structures; Chapter 9-2 Limited Livestock Raising; Chapter 10-2 Mining Administration; Chapter 16-2 Allowed Uses, Definitions, and Standards.~~

~~**Amended by Scott County Board April 7, 2015, Effective April 7, 2015**~~
~~Amend Chapter 6: Stormwater Management, Erosion Control, and Wetlands; and Chapter 9: Animals, Stables and Feedlots.~~

~~**Amended by Scott County Board November 17, 2015, Effective November 17, 2015**~~
~~Amend Chapter 12: Energy Systems (Wind and Solar)~~

~~**Amended by Scott County Board February 2, 2016, Effective February 2, 2016**~~
~~Amend to Add Chapter 21: Official Map~~

~~**Amended by Scott County Board April 5, 2016, Effective April 5, 2016**~~
~~Amend Chapter 70: Shoreland District – 70-8-2 Access to Public Waters~~

~~**Amended by Scott County Board June 21, 2016, Effective June 21, 2016**~~
~~Amend to Add Chapter 16-2 Farm Wineries & Vineyards~~

~~**Amended by Scott County Board March 7, 2017, Effective March 7, 2017**~~
~~Amend Chapter 12: Energy Systems (Wind and Solar)~~

~~**Amended by Scott County Board August 7, 2018, Effective August 7, 2018**~~
~~Amend Chapter 9: Animals, Stables, and Feedlots~~

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CHAPTER 1: TITLE AND APPLICATION

1-1 TITLE

This Ordinance, which is the _____, 2020 comprehensive revision of the Scott County Zoning Ordinance No. 3, shall be known, cited and referred to as the Scott County Zoning Ordinance; and will be referred to herein as the Ordinance.

1-2 PURPOSE

This Ordinance is adopted for the purposes of:

1. Promoting the public health, safety, and general welfare.

2. Providing for orderly development of land for agricultural, residential, commercial, industrial, recreational and public land uses.

3. Protecting and preserving the natural environment of the County.

4. Protecting and preserving agricultural land uses.

5. Encouraging the protection of historic and aesthetic resources in the County.

6. Providing for the conservation of natural resources, water resources, and energy resources.

7. Minimizing congestion in the public rights-of-way.

8. Preventing overcrowding of land and undue concentration of structures by regulating land use, building construction, yard and setbacks.

9. Providing for the administration of this Ordinance.

10. Defining the powers and duties of the County staff, Board of Adjustment and Appeals, the Planning Advisory Commission and County Board in relation to this Ordinance.

11. Promoting cooperation between the County and Townships in the administration of this Ordinance.

1-3 APPLICATION

1. Jurisdiction. The provisions of this Ordinance shall apply to all lands within the unincorporated areas of Scott County, except as provided for in an orderly annexation agreement and except Credit River Township once this township formally adopts its own zoning ordinance.

2. Relation to the County Comprehensive Plan. Pursuant to Minnesota Statutes 394.24, as may be amended and County policy, the County's adopted Comprehensive Plan, as amended, shall serve as the basis upon which land use and development shall be regulated. This Ordinance shall not conflict with and shall be based upon and implement the County's Comprehensive Plan.

3. Standard, Requirement. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the County or Township, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

4. Conformity with this Ordinance.

    a. No building or structure shall be erected, converted, enlarged, constructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Ordinance and without a building permit being issued.

    b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

5. Building Compliance. Except as herein provided, no building, structure or premises shall hereafter be used or occupied, and no building permit shall be issued that does not conform to the requirements of this Ordinance.

6. Monuments. For the purpose of this Ordinance, all international, federal, state, county, and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

7. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the County Board, Township Board, or the Planning Advisory Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development on the use. The County Board, Planning Advisory Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.

8. Separability. It is hereby declared to be the intention of the County that the several provisions of this Ordinance are separable in accordance with the following:

   a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

   b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

9. Errors. When integrating amendments into this Ordinance, the Planning Manager and County Attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; substitute figures for written words and vice versa; substitute dates for the words “the effective date of this ordinance”’ and perform like actions to ensure a uniform code of ordinances without altering the meaning of the ordinances enacted.

1-4 AUTHORITY

This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes, Section 394.21 to 394.37 and 375.40.

1-5 COMPREHENSIVE REVISION

The County Board intends this Ordinance to be a comprehensive revision to Scott County Zoning Ordinance No. 3. Any act done, offense committed, rights accruing or accrued, liability, or penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.

1-6 APPLICATION OF RULES

The language contained in this Ordinance shall be interpreted in accordance with the following rules as applicable:

1. The singular includes the plural and the plural the singular.

2. The present includes the past and future tenses, and the future tense includes the present tense.

3. The word "shall" is mandatory, and the word "may" is permissive.

4. The masculine gender includes the feminine and neuter genders.

5. In the event of conflicting provisions, the more restrictive shall apply.

6. The provisions of this Ordinance shall be construed and interpreted to give full force and effect to its intent and purposes.

7. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, and welfare.

8. Except as this Ordinance specifically provides, no structure or land shall be used or occupied for any purpose or in any manner which is not in conformity with this Ordinance.

9. Meanings of words, unless otherwise defined herein, shall have the meaning given in other applicable Scott County Ordinances, State Statutes and Rules, and federal laws.

1-7 DEFINITIONS

The following words or terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Dwelling Unit - An additional, self-contained dwelling unit that is secondary to the Single Family Dwelling. Accessory dwelling units are commonly referred to as “Granny Flats”, “Secondary Units”, or “Mother In-Law Apartments.”

Accessory Dwelling Unit, Attached - A type of accessory dwelling unit that is created by converting part of, or by building a separate dwelling unit into a Single Family Dwelling or above an attached garage.

Accessory Dwelling Unit, Detached - A type of accessory dwelling unit that is created by converting part of, or by building a separate dwelling unit into a detached accessory structure of a Single Family Dwelling.

Accessory Structure - A structure of secondary or subordinate use to the principal structure, located on the same lot.

Accessory Use - A use subordinate to and serving the principal use on the same lot, which is compatible with and customarily incidental to the principal use.

Active Solar System - A solar energy system that requires external mechanical power to move the collected heat.

Agricultural Products – Includes, but is not limited to, crops; fruits; cider; vegetables; floriculture; herbs; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, fur, etc.); Christmas trees, and maple sap.

Agricultural Products, Value-Added – Means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, baking, transforming, canning, or packaging.

Antenna Related:

1. Antenna - Any structure or device used for the purpose of receiving or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, satellite dishes, and omni-directional antennas, such as whip antennas.

2. Co-location - Placement of two or more wireless telecommunication devices on a single tower or other structure.

3. Commercial Wireless Telecommunication Services - Licensed commercial wireless telecommunication services including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

4. Mast - That portion of the outside tower system to which the antenna is attached, and the support of extension required to elevate the antenna to a height deemed necessary for adequate operation.

5. Private Land - Land that is not public land as defined in this Ordinance.

6. Public Land - Land owned or operated by a governmental entity.

7. Public Utility Uses - For the purposes of this Ordinance, commercial wireless telecommunication service facilities shall not be considered as public utility uses and are defined separately.

8. Satellite Dish - An antenna device used for transmitting or receiving electromagnetic waves, but which incorporates a reflective surface that is solid, open mesh, or bar figured and is in the shape of a shallow dish, cone or horn.

9. Temporary Cell Site - A fully transportable tower, antenna, and accompanying equipment used on a temporary basis in the case of equipment failure, testing of the system, or interim period after permits are approved and before construction is completed.

10. Tower - Any ground or roof mounted pole, spire or structure, or combination thereof higher than thirty-five (35) feet, to which an antenna is attached and all supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.

11. Tower Accessory Building - A structure incidental to a tower or antenna site housing the necessary receiving, transmitting, or switching equipment.

Applicant - The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

Assembly - Any public gathering of 250 or more individuals at any location at any single time for the purpose of musical, racing, political, promotional, or social entertainment or other similar type of activity, but shall not apply to:

1. Any permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or government-sponsored events including meetings, polling and other assemblies.

2. Gatherings or activities permitted or licensed by other State laws or regulations of the County of Scott, including the State Parks System and the Scott County and Three Rivers Regional Park System.

3. Activities by persons operating under other permit or license issued by other state agency or the County. Other permit or license for purposes of this subdivision, does not include a permit or license issued by the Minnesota Department of Health.

4. Family celebratory gathering taking place entirely upon the premises of a family member.

Assembly Area - The area within which the assembly activities are to take place.

Basement - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story, and as defined in the State Building Code.

Best Management Practices (BMPs) - Best management practices as described in current Minnesota Pollution Control Agency's manual and other sources as approved by the County.

Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):

1. The slope rises at least twenty-five (25) feet.

2. The grade of the slope from the toe of the bluff to the top of the bluff averages thirty (30) percent or greater.

Bluff Impact Zone - A bluff and land located within twenty (20) feet from the top of a bluff.

Bluff, Toe - The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Bluff, Top - The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Board of Adjustment - The Scott County Board of Adjustment established by this Ordinance.

Buffer - The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buffer Yard - A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buildable Land - Non-hydric land having a size and configuration capable of supporting a principal and accessory buildings, with an approved domestic wastewater treatment system and potable water system.

Building - Any structure having a roof which may provide shelter or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

Building Height - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Building Line - A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.

Building Official - The officer or other designated authority charged with the administration and enforcement of the State Building Code, or his duly authorized representative.

Building Setback - See "Setback".

Business - Any occupation, employment or enterprise wherein merchandise, or associated equipment is exhibited, stored or sold, or where services are offered for compensation.

Carport - An automobile shelter having one (1) or more sides open.

Certificate of Compliance - See "Section 2-8".

Certificate of Survey - A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Cluster Development - The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

Commercial Use - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.

Common Open Space - Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures, which is intended for use by, and is an integral part of, a development and is not owned on an individual basis by each owner of a dwelling unit.

Community Water and Sewer Systems - Utility systems serving more than one building or lot.

Comprehensive Plan - The Scott County Comprehensive Plan, as amended.

Conditional Use - A use which may not generally be appropriate in a specified zoning district, but may be permitted with appropriate restrictions upon a finding that; certain conditions as stated in the Ordinance exist, the use conforms to the Comprehensive Plan, and the use is compatible with the existing neighborhood.

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

Conveyance System - Any path, including but not limited to, ditches, streams, overland flow channels, and storm sewer systems, traveled by water as it passes through the watershed.

Conveyor, Lateral - Any system that provides drainage for local areas that do not have natural or artificial water storage or retention areas or natural channels. “Lateral conveyors” outlet into natural or artificial water storage or retention areas or outlet directly into “outflow conveyors.”

Conveyor, Outflow - Any system, including but not limited to, streams and other natural channels, that forms the outlet for a natural or artificial water storage or retention area of any landlocked depression where the accumulated runoff from extreme storm events would pose risk of injury or property damage.

County - Scott County, Minnesota.

County Board - Scott County Board of Commissioners.

County Vision - The Scott County Vision as outlined in the Scott County Comprehensive Plan, as amended.

Crop Production – The use of land for the purpose of producing an agricultural crop, including but not limited to corn, soybeans, small grains, alfalfa, hay, and landscape plants.

Crop Tilling - Land capable of being cultivated and producing a crop (i.e. corn, soybean, alfalfa, nursery, etc.). This would not include areas where there are houses, sheds, barns, feedlots, roads, woodland, wetland or water bodies.

Deck - A horizontal, unenclosed platform, with or without attached railings, seats or other features, attached or functionally related to a principal use.

Deed Restriction/Title Restriction - A stipulation recorded on the property deed/title stating that the property be used or not be used for a particular purpose or purposes.

Direct Sunlight - Sunlight unobstructed by any improvement or tree within the Solar Access Space.

District - See "Zoning District".

Dwelling, Single Family - A dwelling unit designed exclusively for and occupied exclusively by one (1) family.

Dwelling Unit - A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating.

Easement - The right to use the land of another owner for a specified use. An easement may be granted for the purpose of constructing and maintaining walkways, roadways, individual sewage treatment systems, utilities, drainage, driveway, and other uses.

Equine - Horses, ponies, mules or burros.

Erosion - Any process that moves soil along or away from the surface of the land by the action of water, wind, ice or gravity. Excessive erosion occurs when either or both of the following conditions exist:

1. Estimated average annual rate of soil erosion for a particular parcel of land resulting from sheet and rill erosion or wind erosion is greater than the soil loss tolerance for any of the soil series comprising that particular parcel of land.

2. Evidence of active gully erosion.

Exterior Storage (includes open storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Eye Level View - For the purposes of this Ordinance, eye level view will be measured six (6) feet above the grade of the site to be screened.

Family - An individual; or two or more persons related by blood, marriage or adoption living together; or not more than four persons not so related living together; as a housekeeping unit in a single dwelling unit.

Farm - See "Agricultural Use" in Chapter 16.

Filter Strip - A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

Floodplain Related:

1. Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2. Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

3. Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

4. Flood Fringe - That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Scott County.

5. Floodplain - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

6. Flood-Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

7. Floodway - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

8. Obstruction - Any dam, wall, wharf, dock, pier, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

9. Reach - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

10. Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

11. Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Floor Area - Finished - The sum of the finished areas of all floors of the building measured from the exterior walls.

Floor Plan - A schematic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Frontage - That boundary of a lot which abuts a publicly maintained road.

Garage, Private - An accessory structure or accessory portion of the principal structure which is intended for and used to store personal vehicles.

Garage, Repair - See "Motor Vehicle Repair Garage".

Garage, Storage - A structure used for the storage of commercial or industrial equipment or material.

Grade - An underlying surface such as earth or a walking surface.

Greenhouse – A structure with walls and roof made chiefly of transparent material in which plans requiring regulated climatic conditions are grown.

Habitable Space – A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Historic Monuments - A device erected to permanently mark the location and provide information regarding a historic event, structure, or occupancy.

Hardship - As is defined in Minnesota Statues, Chapter 394.

Hydric Soil - For the purposes of this Ordinance, hydric soils shall include:

1. Hydric soils as shown on the Scott County Geographic Information System (GIS); or

2. Land inside of the 100-year floodplain area, as determined by the County, using two (2) foot contour surveys of relevant areas; or

3. A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service Publication Field Indicators of Hydric Soils in the United States.

Impervious - ~~An artificial or natural surface that is highly resistant to infiltration by water. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.~~ A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

Industrial Use - The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Infirmed - Being of such state of mind or body as to require assistance in maintaining oneself.

Intensive Vegetation Clearing - The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Interim Use - A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

Land Disturbing Activities - Any change of the land surface including, but not limited to, removing vegetation cover, excavating, filling, and grading.

Land Reclamation - The improvement of land by hauling in material and/or re-grading the land.

Landscaping - Planting of trees, grass, ground cover, shrubs, and screening, including the use of rock and timbers.

Land Use Permit - A permit for the relocation, construction or alteration of an agricultural building.

Lighting Related:

1. Cutoff - The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

2. Cutoff Angle - The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

3. Cutoff Type Luminaire - A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

4. Flashing Light - A light source which is not constant in intensity or color at all times while in use.

5. Foot Candle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

6. Light Source - A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

7. Lighting Standards - A pole made of a wood, metal or other material which is affixed to the ground and utilized for the sole purpose of mounting light fixtures.

8. Luminaire - A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

9. Outdoor Lighting - Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.

10. Outdoor Light Fixture - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights, for:

    a. Buildings and structures.
    b. Recreational areas.
    c. Parking lot lighting.
    d. Landscaping lighting.
    e. Signs.
    f. Street lighting.
    g. Product display area lighting.
    h. Building overhangs and open canopies.

11. Security Lighting - Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

12. Shielding - A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

13. Spillage - Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

<u>Lot</u> - A parcel of land designated by metes and bounds, registered land survey, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. In all cases, a road shall be considered a property line.

Lot of Record - See "Lot, Legal Nonconforming".

Lot, Corner - A lot situated at the junction of, and abutting on two (2) or more intersecting streets. On a corner lot, both streets shall be deemed front lot lines for the application of this Ordinance.

Lot, Legal Non-Conforming - Any lot that legally existed prior to the adoption date of this Ordinance, which fails to meet the current required lot size, width, or does not have the required frontage on a publicly maintained road.

Lot, Illegal Non-Conforming - A non-conforming lot that did not legally exist prior to the adoption date of this Ordinance and is a violation of this Ordinance.

Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.

Lot Coverage - The area of a lot occupied by impervious material, including but not limited to, buildings, paved surfaces, class V, crushed asphalt, concrete, or rock, and driveways.

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Line, Front - That boundary of a lot which abuts a publicly maintained street, and in the case of a corner lot both lot lines abutting streets shall be considered front lot lines. The remaining lot lines shall be considered side lot lines.

Lot Line, Rear - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Through - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both streets shall be deemed front lines for the application of this Ordinance.

Lot Width - The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the front setback line, and at the setback line from the OWHL for riparian shoreland lots. For cul-de-sac lots, lot width shall mean the minimum required horizontal distance between the side lot lines, measured along a straight line at the midpoint of the front setback line.

Manufactured Dwelling - A dwelling unit which is of closed construction and which is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.

Metes and Bounds - A method of property description by means of their direction and distance from an identifiable point of beginning.

Mobile Home - A dwelling unit designed for transportation after fabrication on public highways on its own wheels or using a trailer or flatbed, and arriving at the site where it is to be occupied as a dwelling unit completely constructed and ready for occupancy, except for incidental unpacking operations and the connection to utilities.

Moved Structure - See "Structure, Moved"

Natural and Artificial Water Storage and Retention Areas - Any natural or artificial lake, pond, surface water storage area, or wetland that has the potential to temporarily retain surface water runoff for the purpose of runoff water management or water quality management.

Non-Conformity - Any legal use, structure or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Off-Site Impacts - Any observable detrimental effect, damage, or result to adjoining lands, bodies of water, watercourses, or wetlands or the atmosphere due to excessive erosion and sedimentation.

Official Control - Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the County, or any part thereof, or any detail thereof, and the means of translating into ordinances all or part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, and official maps.

Official County Map - A map adopted in accordance with the provisions of Minnesota State Statute 394.

Opaque - As applied to a fence or wall, at least eighty percent (80%) of the view from the opposite side is blocked, when observed from a point perpendicular to the opaque material, fence, or wall.

Open Space - Open areas, including parks, nature areas, playgrounds, and trails.

Operational Plan - A narrative description of the type of proposed activity on the site and a description of the daily function of that activity.

Ordinance - The Scott County Zoning Ordinance No. 3.

Ordinary High Water Level - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high-water level is the operating elevation of the normal summer pool.

Outdoor Storage - The location of any equipment, goods, materials, junk, debris, motor vehicle (not intended for sale), or any other item outside of a completely enclosed building.

Overlay Zoning District - Regulations imposed in addition to those found in the underlying zoning district, in order to address particular topographic or development concerns.

Owner - Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Owner-Occupancy - A property owner, as reflected in title records, who makes his or her legal residence at a given lot, as evidenced by voter registration, vehicle registration, or similar means and actually resides at a given lot more than six (6) months out of any given year.

Parking Space - A surfaced and permanently maintained area on privately or publicly owned property either within or outside of a building of sufficient size to store one (1) standard vehicle.

Passive Solar Energy System - A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

Pastures - Areas where grass or other sod-forming vegetation is grown for the purpose of Pasturing.

Pasturing – The grazing of animals in an area of land where the residence time and concentration of animals is such that no less than 80% living or residual vegetative cover is maintained at all times, except that up to 10% of the total

pasture area may have coverage less than 80% for supplemental feeding and or watering purposes. Tree and shrub canopy may be counted at a ratio of one half to one towards meeting the minimum vegetative cover requirements. Percent cover shall be determined by the Scott Soil and Water Conservation District using standard transect-line and aerial photo interpretation methodologies.

Pedestrian Way - A public or private right-of-way across or within a block intended to be used by pedestrians.

Performance Standard - The minimum criteria applicable to all land uses and procedures of the Zoning Ordinance.

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; 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; and whereby internal site design standard deviations from this Ordinance may be allowed to improve site design and operation. Where appropriate this development control advocates: (1) a mixture of land uses, (2) the clustering of residential land uses providing common and public open space, and (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.

Planning Advisory Commission - The Scott County Planning Advisory Commission established by this Ordinance.

Planning Department - The Scott County department charged with the enforcement of this Ordinance. Also Zoning Administration

Principal Use/Building - The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted, interim, conditional, or allowed by administrative permit.

Productive Acreage - An area of land used for Crop Production or Pasturing, measured in acres. Lawns and other landscaped areas may be included as Productive Acreage provided they will be used for Crop Production or Pasturing purposes, as attested to in an affidavit signed by the applicant. Lands that are not currently used for Pasturing may be included as Productive Acreage provide: a) the minimum living and residual vegetative cover requirements under the Pasturing definition is maintained, and b) the land is not enrolled in a conservation program that prohibits it from being used for cropping, grazing and/or animal waste disposal. Wetlands and areas being grazed but which do not meet the minimum living and residential vegetative cover requirements for the Pasturing definition (i.e. feedlots) shall not qualify as Productive Acreage.

Property Line - The legal boundaries of a parcel of property.

Protective Covenant - A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the Recorder or the Registrar of Titles. The County will not be responsible to enforce private protective covenants.

Protected Waters - Any waters of the State as defined in Minnesota Statutes , however, no lake, pond or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated for the purposes of Shoreland regulations.

Public Land and Open Space - Land owned or operated by municipal, school district, county, state or other governmental units or special districts.

Public Right-of-Way - The area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the County, Township or municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the County. A public right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service. The lands described by an easement, deed, dedication, title, law or occupation of a road, highway, street, cartway, bicycle lane, or sidewalk are included as right-of-way.

Public Waters - Any “public waters” as defined in Minnesota Statutes Section 103G.005, subdivision 15.

Recreation Area, Public - Includes uses that are commonly provided for the public at parks and playgrounds, such as swing sets and slides, picnic tables, ball fields, which are owned and operated by a unit of government for the purpose of providing recreation.

Recreational Use, Indoor - Includes all uses such as bowling alleys, roller- and ice-skating rinks, driving ranges, health clubs and game courts that are privately or publicly owned and operated with the intention of earning profit by providing entertainment and/or recreational opportunities for the public.

Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

Regulatory Flood Protection Elevation - A point not less than one (1) foot above the water surface profile associated with the regional flood, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

Resource Management Plan - A document containing the requirements of Section 6A3-1 of this Ordinance.

Road - See "Street."

Runoff - The portion of rainfall on an area that does not soak into the soil or become trapped in depressions and is discharged from the area on the land surface either in sheet or channelized flow.

Salvage, Agricultural /Industrial Equipment or Parts - Equipment or parts not currently being used for the purpose of farming or business activities.

Salvage Vehicle - Any unlicensed or inoperable motor vehicle.

Sanitary System - Pipelines or conduits, pumping stations, and force main and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Sediment - The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and has been deposited at another location.

Sedimentation - The depositing of soil material that has been moved from its site or origin by wind, water, or gravity.

Selective Cutting - The removal of single scattered trees.

Semi-Public Use - The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Resource Management - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Setback - The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and a road, road right-of-way,

property line, top of bluff, or the ordinary high water level of a lake, stream, river, or other protected water.

Setback, Windbreak - The distance from the street right-of-way to the street side edge of a growth of trees or shrubs serving to break the force of the wind.

Sewage - Any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated including the liquid wastes produced by bathing, laundry and culinary operation, and from toilets and floor drains associated with these sources. Raw sewage is sewage which has not been subjected to any treatment process.

Sewage Treatment System - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 8-6-14 of this Ordinance and the Scott County Individual Sewage Treatment System Ordinance No. 4.

Shore Impact Zone - Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

Shoreland - Land located within the following distances from public waters: One thousand (1000) feet from the ordinary high water level of a lake, pond or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated in Chapter 71 of this Ordinance on such a river or stream, whichever is greater. The limits of shoreland may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

Shoreland Alteration - Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

Significant Historic Site - Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota State Statutes. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Significant Natural Features - Any site containing natural features including steep topography, wetlands, watercourses, woodland areas, lakes, or rivers that are represented as a pre-settlement condition in Scott County.

Soil Loss Tolerance - The maximum average annual rate of soil loss from sheet and the erosion of wind erosion, expressed in tons per acre per year, that is allowed in order to indefinitely sustain the productive capacity of soil to produce food and fiber.

Soil Survey - A graphic and narrative inventory of existing soil types contained on a site.

Solar Access Space - That airspace above all lots within the Zoning District necessary to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any solar collector located within said zone greater than the shadow case by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between hours of 9:30 a.m. and 2:30 p.m., Central Standard Time on December 21. This Ordinance shall not apply to any improvement or tree which casts a shadow upon a solar collector at the time of the installation of said collector, or to vegetation existing at the time of installation of said solar collector.

Solar Collector - A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy - Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System - A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction.

Solar Skyspace - The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

Solar Skyspace Easement - A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that with access to solar energy. The solar skyspace must be described as the three-dimensional space in which

obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

Solar Structure - A structure designed to utilize solar energy as an alternative for, or supplement to, a conventional energy system.

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 the Scott County Soil Survey 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 twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Stormwater Retention Area - An area designed by a licensed professional and approved by the County to retain water to control the flow of stormwater.

Street - A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Ingress and egress easements shall not be considered streets. The following designations shall be used as defined in the Scott County Transportation Plan:

1. Principal Arterial - Principal arterials consist primarily of Interstate highways and other freeways or expressways, most of them owned and operated by Mn/DOT, with some under the jurisdiction of counties or cities. The emphasis of principal arterials is on mobility rather than land access. Among other functions, they connect the region with other areas in the state and other states. Principal arterials also connect the metro centers to major commercial concentrations. Principal Arterials provide for the longest trips in the region and express bus service.

2. Minor Arterial - Highways which serve medium to short trips and provide access to the principal arterial. They interconnect concentrations of commercial or industrial land uses and connect cities and towns of the region to each other and to similar places outside the region. The emphasis is on mobility rather than land access.

3. Collector - Streets that carry traffic from local streets to major and minor arterials, including the principal entrance streets of a residential subdivision and streets used for circulation between neighborhoods.

4. Local - Streets which are used principally for access to abutting properties, especially residential properties.

5. Cul-De-Sac - A local street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.

6. Service or Frontage - A local street which is parallel and adjacent to a highway or an arterial street and which provides access to abutting properties and protection from through traffic.

7. Connector - A specific type of road identified in the *Rural Residential Service Area Detailed Area Plan* (DAP) that is intended to help distribute traffic through the DAP study area, providing accessibility to the adjoining collectors and minor arterials from local roads. Additionally, these roads will improve connectivity throughout each township for the purposes of better traffic flow, emergency vehicle access and flexibility during construction which requires detours.

Street Width - The width of the right-of-way, measured at right angles to the centerline of the street.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused above-floor space shall be considered a story.

Structural Alteration - Any change, other than incidental repairs, which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

Structure, Illegal Nonconforming - A structure which did not legally exist prior to the adoption of this Ordinance, and does not conform with the current ordinance requirements for the district in which it is located.

Structure, Legal Nonconforming - A structure which legally existed prior to the adoption date of this Ordinance, but which is not in compliance with the requirements of this Ordinance for the district in which the structure is located.

Structure, Moved - Any structure which is moved into or moved within the County.

Structure, Principal - The main building on a parcel of land.

Subdivision - The creation of one or more lots under the provisions of the Scott County Land Subdivision Ordinance #7.

Surface Water-Oriented Commercial Use - The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal operation of business. Day parks and campgrounds are examples of such use.

Surfaced - A road, driveway, approach, or parking lot which consists of gravel, crushed rock, lime rock, bituminous surface, concrete surface, or other similar material.

SWCD - The Scott Soil and Water Conservation District.

Title Restriction - See Deed Restriction.

Tower - A structure as defined in the Uniform Building Code.

Township Transportation Map - A detailed map developed by the Township showing existing and proposed road corridors.

Toxic and Hazardous Wastes - As defined in Scott County Hazardous Waste Management Ordinance.

Truck Stop - A motor fuel station devoted principally to the needs of semi-tractor/trailer units and trucks, and which may include eating and/or sleeping facilities, but not to include a motel or a hotel.

Use - The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

Use, Accessory - See "Accessory Use".

Use, Conditional - See "Conditional Use".

Use, Illegal Nonconforming - Any use of a property or structure which did not legally exist prior to the adoption date of this Ordinance as a permitted or conditional use in the zoning district in which the use is located, and is not allowed as a permitted, conditional, or interim use under this Ordinance in the district in which the use is located.

Use, Legal Nonconforming - Any use of a property or structure which legally existed in the district in which the use is located prior to the adoption date of this Ordinance, but which is not allowed as a permitted, conditional, or interim use under this Ordinance in the district in which the use is located.

Use, Permitted - A public or private use of land or structures which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of the district in which it is located.

Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either a permitted or conditional use.

Variance - A modification or variation of the provisions of this Ordinance. A variance shall not be granted allowing a use prohibited in the district in which the structure, use and lot are located.

Waterway - A natural or constructed channel that carries a flow of water.

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 definition, wetlands must have the following three attributes:

1. Have a predominance of hydric soils; and

2. Are inundated or saturated by surface or ground water 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 such vegetation.

Wetland (DNR Protected) - All type 3, 4, and 5 wetlands as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not protected by Chapter 70 of this Ordinance, included within the definition of public waters, that are ten (10) or more acres in size in unincorporated areas of 2.5 or more acres in incorporated areas.

Yard - An open space on a lot surrounding a structure, which is unoccupied and unobstructed from the ground to the sky, except by landscaping or an eave not exceeding two (2) feet in width.

1. Yard, Front - The yard extending the width of the lot from the front lot line to the building setback line.

2. Yard, Rear - The yard extending the width of the lot extending from the rear lot line to the rear yard setback line.

3. Yard, Side - The yard extending along the side lot line between the front and rear yards, extending perpendicularly from the side lot line to the side yard setback line.

Zoning Amendment - A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

Zoning District - An area or areas within the County for which the regulations and requirements governing use are uniform as defined by this Ordinance.

CHAPTER 2: ADMINISTRATION

2-1 PLANNING DEPARTMENT

The Planning Department, in partnership with the Township Boards, shall perform the following duties:

1. Administer and enforce this Ordinance.

2. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, variances, conditional uses, and interim use permits.

3. Receive, file and forward all applications for appeals, amendments, variances, conditional uses, interim uses, or other matters to the designated official bodies.

4. Institute in the name of the County any appropriate actions or proceedings to prevent, to restrain, to correct, or to abate a violation or threatened violation.

5. Provide and maintain public information relative to matters arising out of this Ordinance.

6. Conduct inspections of land, buildings, or structures at reasonable times, determine compliance with and enforce the provisions of this Ordinance.

7. Issue permits as required by this Ordinance.

2-2 BOARD OF ADJUSTMENT

2-2-1 Creation and Membership

A Board of Adjustment shall be appointed by the County Board. The Board of Adjustment shall consist of seven (7) members; one (1) member shall be selected by each County Commissioner and two (2) members, to be eligible at large, shall be appointed by the County Board as a whole. No acting township supervisor, municipal mayor or municipal council member shall serve on the Board of Adjustment. At least four (4) members of the Board of Adjustment shall be a resident of a township located within the County. Additionally, at least one (1) member of the Board of Adjustment shall be a member of the Scott County Planning Advisory Commission.

Members may be appointed for up to a one (1) ~~three (3)~~ year term beginning January 1 of each year. Terms of office for members of the Board of Adjustment shall be in accordance with the limitations of service on county boards and committees as set by Resolution of the County Board.

No elected officer of the County or any employee of the County shall serve as a member of the Board of Adjustment. The members of the Board of Adjustment may be paid compensation in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Board and in their conduct of the business of the Board.

The Board of Adjustment shall annually elect a Chair and Vice-Chair from among its members and it shall appoint a Secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

Any questions of whether a particular issue involves a conflict of interest sufficient to disqualify a Board member from voting thereon, shall be decided by majority vote of all Board members present except the member who is being challenged. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify.

The County Board may call for the removal of any Board of Adjustment member for non-performance of duty or misconduct in office. Should any vacancy occur among members of the Board of Adjustment by reason of resignation, disability, death, or otherwise, the Planning Department shall notify the County Administrator immediately. Any filled vacancy shall be for the remainder of the term.

2-2-2 Duties and Responsibilities

The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirements, decision, or determination made by any administrative official charged with enforcing the Ordinance. Such appeal may be made by any person, firm, or corporation aggrieved; or by any officer, department, board of a town, municipality, county or state.

Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in its adopted rules of procedure and in conformance with state law. The Board of Adjustment shall establish criteria necessary in its rules or procedure for filing an application for a variance or an appeal. Legal notice shall be published in the official newspaper of the County at least ten (10) days

prior to the hearing. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all powers of the officer to whom the appeal was taken and direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.

The Board of Adjustment shall have the exclusive power to order issuance of variances from the requirements of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purpose and intent of the official control and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. “Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota State Statute 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

2-3 VARIANCES

2-3-1 Criteria for Granting Variances

A variance from the provisions of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the Ordinance imposes practical difficulties to the property owner in the reasonable use of this land. No use variances may be issued.

A Variance may be granted only if the following practical difficulties exist:

1. Granting of the variance will not be in conflict with the Comprehensive Plan.

2. Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance have had no control.

3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

4. That the special conditions or circumstances do not result from the actions of the applicant.

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.

6. The variance requested is the minimum variance which would alleviate the practical difficulty.

7. The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.

8. Economic considerations alone do not constitute practical difficulties.

2-3-2 Procedure

1. Pre-Application Meeting. Prior to submission of a variance application, the property owner may submit a concept plan and meet with the Planning Department and Township representatives to discuss the variance application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific variance request. A second pre-application meeting may be conducted if deemed warranted to assist the applicant in preparing their application.

2. The property owner applying for a variance shall submit to the Planning Department a completed variance application stating the practical difficulties that are present, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

    a. A written and/or graphic description of the variance request including an explanation of compliance with Section 2-3-1 of this

Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.

b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance.

c. Applications must be accompanied by a fee established by the County Board.

3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.

4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Scott County Board of Adjustment and the appropriate Township Board for consideration.

5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Board of Adjustment for their consideration of the application at a public hearing.

6. The Board of Adjustment shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. In unincorporated areas, the property owners of record within five hundred (500) feet of the subject property shall be notified in writing of the proposed variance. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed variance to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

7. The applicant or his representative shall appear before the Board of Adjustment in order to answer questions concerning the proposed variance.

8. The Board of Adjustment and Planning Department shall have the authority to request additional information from the applicant concerning a

variance. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

9. The Board of Adjustment shall act upon the request within the time permitted by Minnesota Statutes 15.99, as amended.

10. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the Office of the County Recorder or Registrar of Titles. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the variance request.

11. All decisions by the Board of Adjustment in granting variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in Scott County on questions of law and fact.

12. A variance shall expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial.

13. If necessary, an extension of a variance shall be requested in writing and filed with the Planning Department at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for variance extension, Planning Department shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. The applicant shall be informed of the decision within the time permitted by State Law. No extension shall be for more than one (1) year, after which if the variance is not utilized the variance would become void. In no case shall more than one variance extension be approved for an individual variance request.

2-4 PLANNING ADVISORY COMMISSION

2-4-1 Creation and Membership

A Planning Advisory Commission shall be appointed by the County Board. The Planning Advisory Commission shall consist of seven (7) members; one (1) member shall be selected by each County Commissioner and two (2) members, to be eligible at large, shall be appointed by the County Board as a whole. A member of the Scott County Board of Commissioners shall serve as an ex-officio member to provide for continuity between the Planning Advisory Commission and the County Board.

As required by state law, at least two (2) members shall be residents of the portion of the county outside the corporate limits of municipalities. Members may be appointed for a one (1) year ~~up to three (3) year~~ term beginning January 1st of each year. Terms of office for members of the Planning Advisory Commission shall be in accordance with the limitations of service on county boards and committees as set by Resolution of the County Board.

No acting township supervisor, municipal mayor or municipal council member shall serve on the Planning Advisory Commission. The members of the Commission, other than members of the Board of County Commissioners may be compensated in an amount determined by the County Board. All Commission members including the County Commissioners may be paid their necessary expenses in attending meetings of the Commission.

The Planning Advisory Commission shall elect a Chair, Vice-chair and Secretary from among its members and cooperate with the Planning Department and other employees of the County in preparing, and recommending to the County Board for adoption, a Comprehensive Plan and recommendations for plan execution in the form of official contracts and other measures, and amendments.

The County Board may call for the removal of a Planning Advisory Commission member for non-performance of duty or misconduct in office. Should any vacancy occur among members of the Planning Advisory Commission by reason of resignation, disability, death or otherwise, the Planning Department shall notify the County Administrator immediately. Any filled vacancy shall be for the expired term.

2-4-2 Duties and Responsibilities

The Planning Advisory Commission shall review all applications for conditional use permits, interim use permits, plans for subdivisions of land, and amendments, and report to the County Board. The Planning Advisory Commission is also responsible for holding all public hearings as required by State Statute. The Planning Advisory Commission may upon the request of the County Board, review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the County for that purpose by any local unit of government or any state or federal agency and shall report in writing to the County Board.

2-5 ZONING AMENDMENTS

2-5-1 Criteria for Granting Zoning Amendments

An individual, County staff, or the Township Boards of Supervisors may propose, and the County Board of Commissioners may adopt amendments to the Zoning Ordinance and Zoning Maps in relation both to land uses within a zoning district or to the location of the district lines. Such amendments shall not be issued indiscriminately but shall only be used to reflect changes in the goals and policies of the County as reflected in the policies, plans or changes in conditions in the County.

Any amendment to the Zoning Ordinance or zoning map shall be evaluated based on, but not limited to, the following criteria:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.

3. The proposed use conforms to all performance standards contained in this Ordinance.

4. The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.

5. Traffic generation by the proposed use is within capabilities of streets serving the property.

Any change in the Zoning Ordinance shall be in compliance with the Scott County Comprehensive Plan.

2-5-2 Procedure

1. An amendment to the text of the Ordinance or Zoning Maps may be initiated by the County Board of Commissioners, the Planning Advisory Commission, Town Boards or by application of a property owner. Any amendment not initiated by the Planning Advisory Commission shall be referred to the Planning Advisory Commission for review and may not be acted upon by the County Board until it has received the Planning Advisory Commission recommendation.

2. Pre-Application Meeting. Prior to submission of a zoning amendment application, the property owner may submit a concept plan and meet with the Planning Department and Township representatives to discuss the zoning amendment application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific zoning amendment request.

3. The property owner applying for a zoning amendment shall submit to the Planning Department a completed zoning amendment application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

    a. A written and/or graphic description of the zoning amendment request including an explanation of compliance with Section 2-5-1 of this Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.

    b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance.

    c. Applications must be accompanied by a fee established by the County Board.

4. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.

5. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Planning Advisory Commission and the appropriate Township Board for consideration.

6. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Advisory Commission for their consideration of the application at a public hearing.

7. A public hearing on the application shall be held by the Planning Advisory Commission after the completed request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper as designated by the County Board. Written notice of public hearings on the proposed amendment shall be sent at least ten (10) days before the hearing date. For amendments of general applications (zoning text amendments) throughout the County, notice shall be sent to the governing bodies of all Townships and municipalities located within the County. For amendments having a specific geographic application (zoning map amendments), notice shall be sent to the governing bodies of townships and municipalities located within two (2) miles of the property in question within the County. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed zoning amendment. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed zoning amendment to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

8. The applicant or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed amendment request.

9. The Planning Advisory Commission and Planning Department shall have the authority to request additional information from the applicant concerning a zoning amendment. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

10. Following the hearing, the Planning Advisory Commission shall make a report to the County Board recommending approval, modified approval or disapproval of the proposed amendment.

11. The County Board must take action on a completed application following referral by the Planning Advisory Commission within the time permitted by Minnesota Statutes 15.99, as amended. The person making the application shall be notified of the action taken.

12. No application of a property owner for an amendment to the text of this Ordinance or the Zoning Maps shall be considered by the Planning Advisory Commission within a one (1) year period following denial of such request, except the Planning Advisory Commission may permit a new application, if in the opinion of the Planning Advisory Commission, new evidence or a change of circumstances warrant it.

13. A certified copy of any zoning amendment shall be filed with the Office of the County Recorder or Registrar of Titles. The zoning amendment shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of amendments to the text, the Zoning Map of the Ordinance and of the zoning amendment request.

2-6 CONDITIONAL USE PERMITS

2-6-1 Criteria for Granting Conditional Use Permits

Conditional uses may be approved, by the County Board, upon a showing by the applicant that standards and criteria stated in the Ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use. In granting a conditional use permit, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Advisory Commission and County Board shall make the following findings where applicable:

1. The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

5. The use is not in conflict with the Comprehensive Plan of Scott County.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

2-6-2 Additional Conditions

In permitting a new conditional use permit or alteration upon review of an existing conditional use permit, the Planning Advisory Commission may recommend and County Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Commission County Board considers necessary to protect the interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimension.

2. Limiting the height, size, location, and exterior materials of buildings.

3. Controlling the location and number of vehicle access points, and standards for access and egress for the site.

4. Increasing the number of required off-street parking spaces.

5. Limiting the number, size, location or lighting of signs.

6. Requiring stormwater management, fencing, screening, landscaping, erosion control or other facilities to protect adjacent or nearby property.

7. Designating sites for open space.

8. Limiting outside storage areas.

9. Limiting the number of vehicles and/or employees associated with a business operation.

10. A financial guarantee consistent with Section 2-12 of this Ordinance.

11. Periodic inspections of the premises and use as authorized by the County or Township.

2-6-3 Procedure

1. Pre-Application Meeting. Prior to submission of a conditional use permit application, the property owner may submit a concept plan and meet with the Planning Department and Township representatives to discuss the conditional use permit application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific conditional use permit request. A second pre-application meeting may be conducted if deemed warranted to assist the applicants in preparing their application.

2. The property owner applying for a conditional use permit shall submit to the Planning Department a completed conditional use permit application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

    a. A written and/or graphic description of the conditional use permit request including an explanation of compliance with Section 2-6-1 of this Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.

    b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance. The Planning Department may request the applicant to provide documentation that describes the conditional use's potential effects or impacts on public facilities, utilities and services including but not limited to:

        (1) Streets.
        (2) Law enforcement.
        (3) Ambulance/emergency services.
        (4) Fire protection.
        (5) County/Township administration.
        (6) Schools.
        (7) Utilities.

c. Applications must be accompanied by a fee established by the County Board.

3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.

4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Planning Advisory Commission and the appropriate Township Board for consideration.

5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Advisory Commission for their consideration of the application at a public hearing.

6. The Planning Advisory Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all townships and municipalities within two (2) miles of the property under consideration located within the County. In unincorporated areas of the County, property owners of record within one quarter (1/4) mile of the affected property, or the ten (10) properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional use permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed conditional use permit to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

7. The applicant or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed conditional use permit.

8. The Planning Advisory Commission and Planning Department shall have the authority to request additional information from the applicant concerning a conditional use permit. Said information is to be declared

necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

9. The recommendations of the Planning Advisory Commission shall be forwarded to the County Board for consideration. The County Board shall take action on the application within the time permitted by Minnesota Statutes 15.99, as may be amended. If it grants the conditional use permit, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare.

10. An amended conditional use permit with major changes shall be administered in the manner required for a new conditional use permit. An amended conditional use permit with minor changes shall be administered in the manner of an Administrative Permit per Section 2-8. Amended conditional use permits include requests for changes in conditions. Major changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises greater than twenty-five (25) percent of the building footprint or site, and operational modifications resulting in increased external activities and traffic, and the like.

11. A conditional use permit shall expire one (1) year from the date of issuance if the permit is not utilized. Once expired, or, once the County is notified that the permit is no longer active or valid, the Planning Department shall, after a 30-day notice to the permit holder or current property owner, file a notice of termination in the Office of the County Recorder.

12. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of an order of denial of such request, except the Planning Advisory Commission may permit a new application, if in the opinion of the Planning Advisory Commission, new evidence or a change of circumstances warrant it.

13. In the event that any of the conditions set forth in a permit are violated, the County Board shall have the authority to revoke the conditional use permit.

14. A certified copy of any conditional use permit shall be filed with the Office of the County Recorder or Registrar of Titles. The conditional use permit shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the conditional use permit request.

15. A conditional use permit may be transferred administratively to a new property owner if the use is not changed and the conditions remain the same.

2-7 INTERIM USE PERMITS

2-7-1 Criteria for Granting Interim Use Permits

The County may authorize an interim use of a property by means of an interim use permit. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the County will establish a specific date or event that will terminate the use of the property. In granting an interim use permit, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Advisory Commission and County Board shall make the following findings where applicable:

1. The use will not create a burden on public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

3. If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

4. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.

5. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

6. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

2-7-2 Additional Conditions

In permitting an interim use permit, the Planning Advisory Commission may recommend and County Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the County Board considers necessary to protect the interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimension.

2. Limiting the height, size, location, or exterior materials of buildings.

3. Controlling the location and number of vehicle access points, and standards for access and egress for the site.

4. Increasing the number of required off-street parking spaces.

5. Limiting the number, size, location or lighting of signs.

6. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

7. The County Board may specify a time period or event that may terminate an interim use permit and will be a condition of the interim use permit.

8. The County Board may limit the new structural investment on the site to a specific dollar amount.

9. Limiting the number of vehicles and/or employees associated with the business operation.

10. A financial guarantee consistent with Section 2-12 of this Ordinance to assure compliance.

11. Periodic inspection of the premises and the use by individuals as authorized by the County or Township.

2-7-3 Procedure

1. Pre-Application Meeting. Prior to submission of an interim use permit application, the property owner may submit a concept plan and meet with the Planning Department to discuss the interim use permit application. Through the pre-application, the Planning Department and Township representatives will summarize the informational requirements and issues related to the specific interim use permit request. A second pre-

application meeting may be conducted to assist the applicant in the preparation of their application.

2. The property owner applying for an interim use permit shall submit to the Planning Department a completed interim use permit application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

   a. A written and/or graphic description of the interim use permit request including an explanation of compliance with Section 2-7-1 of this Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.

   b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance. The Planning Department may request the applicant to provide documentation that describes the interim use's potential effects or impacts on public facilities, utilities, and services including but not limited to:

      (1) Streets.
      (2) Law enforcement.
      (3) Ambulance/emergency services.
      (4) Fire protection.
      (5) County/Township administration.
      (6) Schools.
      (7) Utilities.

   c. Applications must be accompanied by a fee established by the County Board.

3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.

4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Scott County Planning Advisory Commission and the appropriate Township Board for consideration.

5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township

recommendations received by the Planning Department will be forwarded to the Planning Advisory Commission for their consideration of the application at a public hearing

6. The Planning Advisory Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all townships and municipalities within two (2) miles of the property under consideration located within the County. In unincorporated areas of the County, property owners of record within one-quarter (1/4) mile of the affected property, or the ten (10) properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing on the request for an interim use permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed interim use permit to property owners within the incorporated located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

7. The applicant or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed interim use permit.

8. The Planning Advisory Commission and Planning Department shall have the authority to request additional information from the applicant concerning an interim use permit. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

9. The recommendations of the Planning Advisory Commission shall be forwarded to the County Board for consideration. The County Board shall take action on the application within the time permitted by Minnesota Statutes 15.99, as amended. If it grants the interim use permit, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions may include requiring the applicant to provide a security, and setting a time limit for the use to exist or operate. Such conditions will be administratively reviewed annually within the period of the interim use permit and if violated, the County Board may order the revocation of the permit as provided for in Section 2-7-3.13.

10. The interim use permit shall be issued to a specific applicant for a specific use. If the operator/owner or the use changes, the interim use permit shall become void.

11. An amended interim use permit with major changes shall be administered in the manner required for a new interim use permit. An amended interim use permit with minor changes shall be administered in the manner of an Administrative Permit per Section 2-8. Amended interim use permits include requests for changes in conditions. Major changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises greater than twenty-five (25) percent of the building footprint or site, and operational modifications resulting in increased external activities and traffic, and the like.

12. An interim use permit shall expire one (1) year from the date of issuance if the permit is not utilized. Once expired due to inactivity within the first year or due to specifications listed in the condition of the interim use permit, or, once the County is notified that the permit is no longer active or valid, the Planning Department shall, after a 30-day notice to the permit holder or current property owner, file a notice of termination in the Office of the County Recorder.

13. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of an order of denial of the request, except the Planning Advisory Commission may permit a new application, if in the opinion of the Planning Advisory Commission, new evidence or a change of circumstances warrant it.

14. In the event that any of the conditions set forth in a permit are violated, the County Board shall have the authority to revoke the interim use permit.

15. A copy of any interim use permit shall be filed with the Office of the County Recorder or Registrar of Titles. The interim use permit shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the interim use permit request.

16. The Planning Department will review the interim use permit periodically. At the time designated for the interim use permit to expire, the Planning Department will conduct an inspection of the site. If the Planning Department finds that the use is still compatible and is not creating an adverse effect on the surrounding area, the applicant may apply for an extension of the interim use. A reapplication for an interim use permit

shall be administered in the same manner as the original interim use permit.

2-8 ADMINISTRATIVE PERMITS/CERTIFICATE OF COMPLIANCE

2-8-1 Purpose

The purpose of this Section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, certificate of compliance, and of matters requiring the approval of the Planning Department with the goal of protecting the health, safety, and welfare of the citizens of the County.

2-8-2 Applications Qualifying for Administrative Review

The applications which may be approved by administrative permit include administrative uses, sign permits, building permits, accessory structures, temporary uses, zoning certificates of compliance, minor changes to conditional use or interim use permits, lot line adjustments, administrative subdivisions, resource management plans, grading permits, provided they comply with all sections of this Ordinance.

2-8-3 Criteria for Granting an Administrative Permit or Certificate of Compliance

Administrative permit or certificate of compliance may be granted upon the applicant demonstrating that all applicable standards and criteria stated in this Ordinance will be satisfied. Among other things, the Planning Department shall make the following findings where applicable:

1. The proposed use is not in conflict with the Comprehensive Plan of Scott County.

2. The proposed use is consistent with the purpose of this Ordinance and the purpose of the zoning district in which the applicant intends to locate the proposed use.

3. The proposed use satisfies the design standards and criteria of this Ordinance.

4. The proposed use has been described in sufficient detail to enable County review and has been given approval and is not subject to any additional reviews or permits by other jurisdictions or State Agencies and is not subject to a mandatory environmental review as defined in Minnesota Statutes Chapter 4410.

5. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

2-8-4 Procedure

1. Pre-Application Meeting. Prior to submission of an administrative permit application, the property owner may meet with the Planning Department to discuss the administrative permit application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific administrative permit request.

2. The property owner applying for an administrative permit shall submit to the Planning Department a completed administrative use permit application and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:

   a. A written and/or graphic description of an administrative permit request including the applicable information outlined in Section 2-10-3 of this Ordinance.

   b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance.

   c. Applications must be accompanied by a fee established by the County Board.

3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.

4. The Planning Department shall make a determination on approval or denial of the administrative permit, within the time permitted by Minnesota Statutes 15.99, as amended.

5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit.

6. A written denial of the permit shall be issued to the applicant when a determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph has been made.

7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal to the Board of Adjustments as outlined in Section 2.3 of this Ordinance.

2-9 BUILDING PERMITS

For the purposes of enforcing this Ordinance and the Minnesota State Building Code, no building or structure regulated by this Ordinance or the Minnesota State Building Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

1. Persons requesting a building permit shall submit all information required, and a completed application, and all applicable forms to the Building Inspection and Environmental Health Departments.

2. No site preparation work, including rough grading, driveway construction, footing construction, or other physical changes to the site shall occur prior to the issuance of the building permit, unless authorized and permitted in writing by the Planning Department or Building Official.

2-10 SITE PLAN REVIEW

2-10-1 Purpose

A site plan shall be required with the submission of the zoning applications of Chapter 2 of this Ordinance. This information represents minimum submission requirements unless items are waived by the Planning Department.

2-10-2 Exceptions

The following uses may be exempted from the site plan requirements of this Section of the Ordinance:

1. Agricultural uses.

2. Single family detached dwellings on parcels of ten (10) or more acres.

3. Residential accessory buildings.

2-10-3 Requirements

The information required for zoning applications generally consists of the following items and shall be submitted unless waived by the Planning Department following a pre-application meeting.

1. Concept Plan Information. Prior to the formulation of a site plan, applicants may present a concept plan to the Planning Department prior to filing of a formal application. The concept plan will include the following information.

    a. Property location map illustrating the site location relative to adjoining properties and streets.

    b. Scaled drawing (engineering scale only) illustrating property boundaries using Scott County's GIS data base.

    c. General location of existing and proposed structures including signs.

    d. Tentative access, circulation and street arrangements, both public and private.

    e. Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.

    f. General location of parking areas.

    g. Proposed on-site sanitary sewer, water and storm drainage.

    h. Natural features, drainageways, wetland, and woodlands.

    i. Size and locations of all building pads.

2. Site Plan Information.

    a. Site boundaries, buildings, structures and other improvements shall be identified on-site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:

        (1) Scale of plan (engineering scale only).

        (2) North point indication.

(3) Existing boundaries with lot dimension and area.

(4) Existing site improvements.

(5) All encroachments.

(6) Easements of record.

(7) Legal description of the property.

(8) Ponds, lakes, springs, rivers, wetlands, 100-year flood elevations or other waterways bordering on or running through the subject property.

b. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

(1) Name and address of developer/owner.

(2) Name and address of architect/designer.

(3) Date of plan preparation.

(4) Dates and description of all revisions.

(5) Name of project or development.

(6) All proposed improvements, including:

(a) Required and proposed setbacks.

(b) Location, setback and dimensions of all proposed buildings and structures.

(c) Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.

(d) Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.

(e) Location, number, and dimensions of proposed loading spaces.

(f) Location, width, and setbacks of all curb cuts and driveways. For stormwater calculations individual driveways shall be assumed at minimum 10 foot width and shared driveways at minimum 20 feet.

(g) Vehicular circulation.

(h) Location and type of all proposed lighting, including details of all proposed fixtures.

(i) Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.

(j) On-site well location.

(k) On-site individual sewer treatment system. Primary and alternative sites must be identified.

c. Grading, drainage and erosion control plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:

(1) Existing contours at two (2) foot intervals (may be prepared by a Minnesota licensed surveyor).

(2) Proposed grade elevations at two (2) foot maximum intervals.

(3) Drainage plan, including the configuration of drainage areas and calculations consistent with Chapter 6 of this Ordinance.

(4) Storm sewer, catch basins, invert elevations, type of castings, and type of materials.

(5) Spot elevations (may be prepared by a Minnesota licensed surveyor).

(6) Proposed driveway grades.

(7) Surface water ponding and treatment areas.

(8) Erosion control measures.

(9) Where land disturbing activities are occurring as identified in Chapter 6 of this Ordinance, applicable information outlined in Section 6A-3 shall be required.

(10) Location, type, and square footage of impervious surface.

d. Landscape, screening and buffering plan, utilizing a copy of the grading, drainage and erosion control plan as a base for the site in question, depicting the following:

(1) Planting schedule (table) containing:

(a) Symbols.
(b) Quantities.
(c) Common names.
(d) Botanical names.
(e) Sizes of plant material.
(f) Root specification (bare root, balled and burlapped, potted, etc.).
(g) Special planting instructions.

(2) Location, type and size of all existing significant trees to be removed or preserved in accordance with the Scott County Subdivision Ordinance, as amended, if applicable.

(3) Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).

(4) Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.

(5) Note indicating how disturbed soil areas will be restored using sodding, seeding, or other techniques.

(6) Coverage plan for underground irrigation system, if any.

(7) Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.

e. Other plans and information as required by the Planning Department including, but not limited to:

(1) Architectural elevations of all principal and accessory buildings.

(2) “Typical” floor plan and “typical” room plan drawn to scale with a summary of square footage for each use or activity.

(3) Fire protection plan.

(4) Lighting plan and photometric plan.

(5) Nuisance mitigation plan (related to noise, odors, glare, dust, or similar nuisance issues).

(6) The type, color, and materials used in all external surfaces.

2-11 FEES

The application fees for all permits shall be established by the County Board by Resolution. The County Board may periodically review and revise all or portions of the fee schedule. The acceptance of all zoning applications and issuance of permits shall not occur until a complete application has been filed and the appropriate fee has been paid. Zoning applications must be accompanied by a fee and a non-interest-bearing escrow deposit. The fee and escrow deposit will be established from time-to-time by resolution of the County Board. The escrow deposit is required to cover all costs incurred for staff and consultants; time directly related to processing applications, preparation of studies, and any other cost incurred with processing zoning applications.

2-12 FINANCIAL GUARANTEE

1. Upon approval of a development application described in Chapter 2 of this Ordinance, the County shall be provided with a financial guarantee in the form or a letter of credit or cash escrow approved prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the application approval and County ordinance provisions. The letter of credit or surety must meet the approval of the County as to form and issuing bank. A letter of credit furnished to the County shall automatically renew on January 31, of each calendar year. The letter of credit shall be irrevocable and shall provide for forty-five (45) days written notice to the County of any change, amendment, or termination.

2. The security shall be in the amount equal to the one hundred twenty-five (125) percent of the County's estimated cost of labor and materials for the proposed improvements or development.

3. The County shall hold the security until completion of the proposed improvements or development and a certificate of compliance with the application conditions and County ordinance provisions has been issued by the Planning Department.

4. Failure to comply with the conditions of the application approval and County ordinances, provisions shall result in forfeiture of the security in whole or in part depending upon the degree of non-compliance and at the discretion of the County Community Development Director.

5. Whenever a performance guarantee is imposed by the County, the applicant shall be required to enter into a performance agreement with the County. This agreement is to provide authorization to the County to utilize the posted security for the enforcement of County ordinances and conditions of approval to mandate the completion of stipulated work should the applicant fail to meet the terms and conditions of the performance agreement. Said agreement shall hold harmless the County for completion of the work and address other matters as may be determined by the County Attorney.

2-13 ENFORCEMENT

1. Violations. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes, plus in either case, the cost of prosecution.

2. Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

3. Application to County Personnel. The failure of any officer or employee of the county to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

4. The Zoning Administrator ~~Director of Scott Community Development Division~~ or his/her selected designee, shall have the authority to issue

citations to a person or entity that violates, fails to comply with, or assists, authorizes or permits violation of any provision of this Ordinance.

5. Any violation of this Ordinance for which a citation has been issued shall constitute sufficient grounds for denial of any application required by this Ordinance or revocation of a permit that is related to the violation.

6. Injunction. In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the county in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

7. Nothing in this Section shall prevent the County from taking such other actions as are permitted under law, and the penalties provided here shall be cumulative.

CHAPTER 3: NON-CONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

3-1 PURPOSE

It is the purpose of this Ordinance to provide for the regulation of non-conforming lots, buildings, structures and uses and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures and uses will be operated and maintained. This Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming lots, buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Ordinance that all non-conforming uses shall be eventually brought into conformity.

3-2 LEGAL NON-CONFORMING LOTS (LOT OF RECORD)

1. Any parcel or lot which legally existed prior to the adoption date of this Ordinance, but which fails to meet the current required lot size, width of the zoning district, or does not have the required frontage on a publicly maintained road, may be utilized in compliance with all other ordinance requirements subject to the following provisions:

    a. The dimensions or area of a legal nonconforming lot may be altered provided that no alteration shall be permitted that would render the lot further in non-compliance with the Ordinance requirements. Legal non-conforming lot (s) may exchange property, relocate the boundary line between them, provided no additional parcels or lots are created. Exchanges between legal non-conforming lots may reduce the area non-conformity of one non-conforming lot provided the other lot area is increased by the same area, no dimensions on either resultant properties are in a greater non-conformity, and both resultant properties meet and conform to provisions b through d in this Section.

    b. Legal non-conforming lots of record intended for residential, commercial, industrial or institutional development or expansion shall have sufficient lot area and configuration, except as provided for within Chapter 70-9, to meet all State Building Codes and fire codes and to provide for individual sewage treatment systems in accordance with Scott County Individual Sewage Treatment System Ordinance No. 4, as amended, or connect to a public sewer, and satisfy all required building setbacks, and other performance standards of this Ordinance without variance.

c. Where legal non-conforming lots of record cannot meet the lot area standards of Section 3-2-1.b above, two (2) or more contiguous legal non-conforming lots which are in common ownership, the lots shall be combined into a single lot for zoning purposes to meet minimum lot area standards of Section 3-2-1.b of this Ordinance. If possible, the lots shall be combined under one (1) Tax Parcel Identification Number (P.I.D.).

d. Two (2) or more parcels required to be considered one parcel for zoning purposes by the Planning Department shall be consolidated or combined to form a single parcel. The combination or consolidation shall be accomplished through the filing of the appropriate deed or contract for deed transferring interest in all of the parcels to be merged, i.e., a deed by the property owner(s) [the grantor(s)] deeding to herself or himself [the grantee(s)] setting forth the legal descriptions of all said parcels required to be consolidated. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County Taxation Department. A written request by the property owners to combine the parcels under one (1) parcel identification number may be required by the County Taxation Department at the time the consolidating deed is to be recorded. A note shall be placed on the deed as follows: “this is one parcel for zoning purposes.”

2. A parcel of land which contains an existing single family home in all agricultural, commercial, industrial, rural residential, residential suburban, urban expansion, and urban business reserve and residential districts on the effective date of this Ordinance, and does not meet the minimum lot size, lot dimensions or have sufficient publicly maintained road frontage, shall be considered a legal nonconforming lot, subject to the provisions a through c above in this Section.

3-3 LEGAL NON-CONFORMING STRUCTURES

Any structure which legally existed prior to the adoption date of this Ordinance, but which is not in compliance with the requirements of this Ordinance for the district in which the structure exists, may be utilized subject to the following provisions:

1. A legal non-conforming structure which is only nonconforming due to an encroachment into a required setback may be enlarged in compliance with all other ordinance requirements provided that:

a. The expansion will not decrease the distance between the structure and the applicable lot line or ordinary high-water level.

b. A legal nonconforming structure may be expanded or enlarged up to fifty (50) percent of the total square footage of the structure existing on the effective date of this Ordinance, subject to compliance with all applicable setbacks and building dimension regulations in the district. All expansions shall be calculated on an accumulative basis to determine maximum expansion size of a non-conforming structure.

c. Aside from the existing non-conforming setback, the site and building shall comply with the performance standards of this Ordinance.

2. Residential and non-residential structures.

a. For residential legal non-conforming structures, if the non-conformity or occupancy of a legal non-conforming structure is discontinued for more than one year, or the structure is damaged by any cause to the extent of fifty (50) percent or more of its current market value as determined by the County Assessor and no building permit has been applied for within 180 days of when the structure was damaged, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance. If a building permit has been applied for within 180 days of when the structure was damaged, reasonable conditions may be placed upon the building permit in order to mitigate any newly created impacts on adjacent properties.

b. For non-residential legal non-conforming structures, if the non-conformity or occupancy of a legal non-conforming structure is discontinued for more than one year, or the structure is damaged by any cause to the extent of fifty (50) percent or more of its current market value as determined by the County Assessor, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance.

3. Maintenance of legal non-conforming structures is subject to the following:

a. Residential legal non-conforming structures may be continued, including repair, replacement, restoration, maintenance, or improvements, but shall not enlarge or intensify the use of the structure except as defined in provision 1. in this Section.

b. For non-residential structures, normal maintenance of a legal non-conforming structure is permitted. Maintenance may include

necessary non-structural repairs and incidental alterations which do not enlarge or intensify the use of the structure.

4. No parcel of land or portion thereof shall be subdivided if such action results in buildings and/or uses becoming non-conforming, or increasing an existing non-conformity, regarding minimum lot size, lot coverage, lot dimensions, maximum accessory structure building area, or having sufficient publicly maintained road frontage. Buildings and structures that are legally existing and located on a parcel of land proposed to be subdivided, shall also be evaluated as part of the subdivision process regarding the use, extent of non-conformity, and general condition/appearance.

3-4 LEGAL NON-CONFORMING USES

Any use which legally existed prior to the adoption date of this Ordinance, but which is not a permitted use under the current Ordinance, may be allowed to continue subject to the following provisions:

1. When a lawful, non-conforming use of any structure or parcel of land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

2. A lawful, non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.

3. A non-conforming use which has been discontinued for a period of twelve (12) or more months shall not be reestablished, and any further use shall be in compliance with the regulations of this Ordinance.

4. Residential and non-residential uses.

    a. A residential structure that is a legal non-conforming use, or which contains a legal non-conforming use, is damaged by any cause to the extent of fifty (50) percent or more of its current market value as determined by the County Assessor and no building permit has been applied for within 180 days of when the structure was damaged, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance. If a building permit has been applied for within 180 days of when the structure was damaged, reasonable conditions may be placed upon the building permit in order to mitigate any newly created impacts on adjacent properties.

b. If a non-residential structure that is a legal non-conforming use or which contains a legal non-conforming use is damaged by any cause to the extent of fifty (50) percent or more of its current market value as determined by the County Assessor, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance.

5. Maintenance of a building or other structure containing or used by a legal non-conforming use is subject to the following:

a. Structures of a residential legal non-conforming use may be continued, including repair, replacement, restoration, maintenance, or improvements, but shall not enlarge or intensify the legal non-conforming use of the structure except as defined in provision 7. in this Section.

b. Structures of a non-residential legal non-conforming use shall be permitted normal maintenance. Maintenance may include necessary non-structural repairs and incidental alterations which do not enlarge or intensify the legal non-conforming use of the structure.

6. An existing legal non-conforming single-family residential use may be enlarged in compliance with all other ordinance requirements provided that:

a. The enlargement does not result in a new/replacement principle structure or the creation of additional dwelling units/residences on a parcel of property.

b. A legal non-conforming single family residential use may be expanded or enlarged up to thirty (30) percent of the total square footage of the principle structure existing on the effective date of this Ordinance, subject to compliance with all applicable setbacks and building dimension regulations in the district. All expansions shall be calculated on an accumulative basis to determine maximum expansion size of a principle single family nonconforming structure.

c. Accessory structures may be added or replaced on legal nonconforming single-family residential lots with an existing principle structure provided the proposed accessory building meet all applicable district performance standards identified by chapter 4-7 of this Ordinance.

7. In the event a change in the zoning classification for a district renders a use non-conforming as a result of such change, the use shall be permitted to continue subject to provisions 1 through 7 above in this Section.

CHAPTER 4: GENERAL PROVISIONS

4-1 PURPOSE

All uses and structures permitted pursuant to this Ordinance shall conform to the General Provisions set forth in this Ordinance, which are the minimum standards necessary to comply with the intent and purposes of this Ordinance. The performance standards established in this Ordinance are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible.

Before any permit is approved, the Planning Department shall determine whether the proposed use will conform to the General Provisions. An applicant or landowner shall supply data necessary to demonstrate such conformance, which shall include, but not be limited to, a site plan; the number of employees; the number and description of the vehicles and equipment to be used; hours of operation; method of solid waste disposal; grading, drainage and erosion control; fencing; screening; signage; and type and location of exterior storage.

The General Provisions shall apply to future development in all districts and to existing development within all compliance periods as noted in individual Sections. Compliance may be waived by the County if a building condition created under prior Ordinances physically precludes the reasonable application of the standards.

4-2 LOT AND YARD REQUIREMENTS

4-2-1 Purpose

This Section identifies minimum yard spaces, exceptions, and areas to be provided for in each zoning district.

4-2-2 Minimum Lot Area Requirements

1. The minimum lot area shall conform to the standards of the applicable zoning district. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if an existing yard or other open space is less than the minimum required, it shall not be further reduced.

2. For parcels located in the Agricultural Preservation, Agricultural Woodlands, Rural Residential Reserve, Rural Residential Reserve Cluster, Rural Residential Single Family, Urban Expansion Reserve, ~~Urban~~ Transition Reserve, and Urban Business Reserve Districts, that

portion of the property that lies within the road right-of-way will be included when determining compliance with the minimum lot area requirements.

~~3. For parcels located in the Rural Residential Single Family Cluster and the Rural Residential Single Family Districts, that portion of the property that lies within the County road right-of-way will be included, and that portion of the property that lies within the Township road right-of-way will be excluded when determining compliance with the minimum lot area requirements.~~

4. For parcels located in the Agricultural Preservation Density, Agricultural Woodlands, Rural Residential Suburban Single Family, Urban Expansion Cluster, ~~Urban~~ Transition Reserve Cluster, Rural Business Reserve, General Commercial, Rural Industrial, and Heavy Industrial Zoning Districts that portion of the property that lies within the road right-of-way shall be excluded when determining compliance with the minimum lot area requirements.

4-2-3 Subdivision of Lots

1. No lot or parcel of land under the jurisdiction of this Ordinance shall be split or subdivided to create an illegal nonconforming lot. Any proposal to subdivide a lot or parcel of land by any means after the effective date of this Ordinance shall be submitted to the Planning Department prior to filing in the Office of the County Recorder or Registrar of Titles. The Planning Department shall examine the proposed lot split to determine whether it complies with this Ordinance.

2. If it is determined that the instrument is not in compliance with this Ordinance, the Planning Department shall notify the applicant of such non-conformity and the proposed lot split shall not be recorded in the Office of the County Recorder or Register of Titles. If possible, through the provisions of this Ordinance, the applicant may correct the non-conformities of a proposed lot split or splits.

3. Two (2) or more parcels required to be considered one parcel for zoning purposes by the Planning Department shall be consolidated or combined to form a single parcel. The combination or consolidation shall be accomplished through the filing of the appropriate deed or contract for deed transferring interest in all of the parcels to be merged, i.e., a deed by the property owner(s) [the grantor(s)] deeding to herself or himself [the grantee(s)] setting forth the legal descriptions of all said parcels required to be consolidated. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County Taxation Department. A written request by the property owners to combine the parcels under one (1) parcel identification number may be

required by the County Taxation Department at the time the consolidating deed is to be recorded. A note shall be placed on the deed as follows: "this is one parcel for zoning purposes."

4-2-4 Lot Frontage

All lots shall abut upon a publicly maintained street for a minimum of sixty-six (66) feet for the bulk of the property.

4-2-5 Platted and Unplatted Property

1. All principal buildings hereafter erected shall be so placed and described so that they will not obstruct street and utility extensions or other features or proper subdivision and land planning in accordance with the adopted Township Transportation maps.

2. On corner lots and through lots, both road lines shall be front lot lines for applying the yard setback regulations of this Ordinance except in the case of a rear yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any collector or arterial designated as such by the Scott County Transportation Plan.

3. Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of the permitted uses specified in Chapter 16.

4-2-6 Yards and Setbacks

1. Setbacks. All building and structures shall comply with the setbacks within the applicable district except as may be required within other sections of this Ordinance. All setbacks shall be measured from the appropriate lot line, right-of-way or centerline of the road/street as determined by the County.

2. Triangular Lots. In the case of triangular lots, where the rear lot line is a single vertex, the rear yard setback points of reference shall be determined by measuring the length of the setback distance from the vertex along the side lot lines. The rear setback line shall be determined by traversing the lot and connecting these points of reference.

3. District Setback Exceptions. Where adjacent principal structures within the same block have front yard or setbacks from the ordinary high water level of adjoining lake setbacks less than the required minimum, the front yard or ordinary high water level (OHWL) minimum setback may be the average of the adjacent principal structures. If there is one adjacent

principal structure, the front yard or OHWL minimum setback may be the average of the required setback and the setback of the adjacent principal structure.

4. Permitted Encroachments. The following shall be considered as permitted encroachments on setback requirements as provided in this Ordinance; however, no building may be built on or extended over easements of record.

   a. In any yard: posts, off-street parking places, flues, leaders, sills, pilasters, lintels, cornices, eaves <u>two feet in depth</u>, gutters, bay windows less than two feet in depth, awnings, open terraces, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, exposed ramps (wheelchair), fences, and all other similar devices incidental and appurtenant to the principal structure.

   b. Decks are exempted from setback requirements if the deck is no higher than eighteen (18) inches above the ground level, except that the deck cannot be located within five feet of a property line.

   c. <u>Covered entry or awning extending over a building entry point up to four (4) feet out from building.</u>

5. Sight Triangle Setback. On corner lots in all districts, no structure or plantings shall be placed or constructed within the sight visibility triangle setback in a manner that may interfere with traffic or pedestrian visibility along a public right-of-way between the heights of three (3) feet and either ten (10) feet or the road centerline grade. The sight triangle is defined as follows: beginning at the intersection of the projected property lines of two (2) intersecting roads, thence thirty (30) feet along one property line, thence diagonally to a point of thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning.

6. ~~Buffer Yards.~~

   ~~a. Double frontage lots shall have at least twenty (20) feet, designated as an additional drainage and utility easement, in order to allow space for buffering/screen planting along the back lot line for those lots which abut major collector or arterial roads.~~

   ~~b. Lots which border major collector or arterial roads on a side yard shall have at least twenty (20) feet, designated as an additional drainage and utility easement in order to allow space for buffering and screening plantings along the lot line bordering such roads.~~

7. Local Roads. All Township roads shall be classified as local roads in regard to the application of required setbacks.

8. Lot Coverage. Lot coverage shall not exceed the maximums listed in the zoning district performance standards within each respective zoning district, except for institutional uses that shall not exceed seventy-five (75) percent of lot area in all zoning districts.

4-2-7 Special Consideration for Properties Affected by Improvement Projects Resulting in Land Taking

If a governmental body takes land through negotiation or by exercise of its rights of eminent domain and by that taking creates a parcel which does not conform to the width, area, or yard requirements of this Ordinance, the non-conforming parcel shall become a legal non-conformity and may be used thereafter only by complying with the provisions of Chapter 3 of this Ordinance.

If the owner of a property which becomes a legal non-conformity as the result of a government taking applies for a variance to reinstate the legal status to the property, the governmental taking shall constitute a hardship for the purpose of the variance.

4-2-8 Lots of Record Bisected by a Public Road, Railroad, or Similar Public Right-of-Way

1. A lot of record that is bisected by a public road, railroad, or similar public right-of-way is considered one (1) parcel for zoning purposes.

2. A single family home may be constructed on either portion of the bisected property upon demonstrating two (2) individual sewage treatment sites are available and the proposed home will meet all setback and access separation requirements without a variance. Construction of the home shall not result in the creation of additional residential density. Deed restriction(s) shall be recorded on the appropriate parcels, if necessary.

3. At such time as the lot of record is proposed for subdivision, the entire property shall be platted according to the requirements of the Scott County Subdivision Ordinance.

4-3 BUILDING PERFORMANCE STANDARDS

4-3-1 Purpose

All uses and structures permitted pursuant to this Ordinance shall conform to the performance and design standards set forth in this Ordinance, which are the minimum standards necessary to comply with the intent and purposes of this Ordinance. The performance standards established in this Ordinance are designed to encourage a high

standard of development by providing assurance that neighboring land uses will be compatible.

Before any permit is approved, the Planning Department shall determine whether the proposed use will conform to the performance standards. An applicant or landowner shall supply data necessary to demonstrate such conformance, which shall include, but not be limited to, a site plan; the number of employees; the number and description of the vehicles and equipment to be used; hours of operation; method of solid waste disposal; grading, drainage and erosion control; fencing; screening; signage; and type and location of exterior storage.

The performance standards shall apply to future development in all districts and to existing development within all compliance periods as noted in individual sections. Compliance may be waived by the County if a building condition created under prior Ordinances physically precludes the reasonable application of the standards.

4-3-2 Dwelling Units

1. Only one (1) single family dwelling unit shall be allowed per parcel.

    a. If a new single family dwelling unit is proposed on a parcel with an existing dwelling unit, the existing dwelling unit may be utilized until a certificate of occupancy is issued for the new home. A financial guarantee shall be provided to the County to ensure prompt removal, or conversion to a non-habitable accessory structure, of the other residence within sixty (60) days of issuance of a certificate of occupancy for the new dwelling. The financial guarantee amount shall be fifty thousand dollars ($50,000) or acceptable amount based on a submitted demolition and removal estimate.

2. Prohibited Dwelling Units. No garage, camper, tent, fish house, accessory structure, automobile, travel trailer, motor home, park model trailer or recreational vehicle shall at any time be occupied as a dwelling unit <u>for more than 14 days.</u>

4-3-3 Building Size

1. Residential Structures. For all dwelling units in all residences, except mobile homes and accessory dwelling units, the finished floor area shall not be less than nine hundred sixty (960) square feet.

2. Commercial and Industrial Structures. Commercial and industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 2-6 of this Ordinance.

4-3-4 Moved In or Manufactured Dwellings

Except for mobile homes permitted in Chapter 7 of this Ordinance, all new or used permanent dwellings moved into or within the County shall meet the following minimum requirements:

1. Every dwelling to be moved into the unincorporated area of Scott County shall be inspected and approved by the Building Official prior to said structure being moved in.

2. Every dwelling moved into this jurisdiction shall meet the requirements of the Minnesota State Building Code.

3. Every dwelling moved into this jurisdiction shall have a full load bearing perimeter foundation with a minimum clear span floor loading capability to a center wall or beam which complies with the requirements of the Minnesota State Building Code.

4. Measurements. Dwelling structures shall not be less than thirty (30) feet in length and not less than twenty-two (22) feet in width over that entire minimum length. Width measurements shall not take into account overhangs and other projections beyond the principal walls. Dwellings shall also meet the minimum floor area requirements as set out in this Ordinance.

5. Roof. Dwellings shall have an earth covered, composition, metal, shingled or tiled roof.

6. Receive a Building Permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used, and the delineation of any anticipated future deck, porch and/or garage. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so dissimilar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood

7. Financial Guarantee. Every moved in dwelling shall be required to post a security acceptable to the County as a condition to the building permit.

4-3-5 Building Type and Construction

All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good architectural quality to ensure they will maintain and enhance the property values of neighboring properties and not adversely impact the community's public health, safety and general welfare.

1. General Provisions.

    a. Except in association with farming activities, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as CORTEN steel shall be permitted in any zoning district.

    b. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties.

    c. Exposed building foundations not exceeding 2 feet in height above grade and other such portions of a building's façade need not comply with the requirements for the primary façade treatment or materials.

2. Residential Building Requirements

    a. The primary exterior building finishes for principal residential buildings shall consist of the following materials

        (1) Brick or Stone (natural or artificial).
        (2) Monolithic architectural concrete block.
        (3) Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
        (4) Stucco (natural or artificial).
        (5) Vinyl, steel, aluminum, or fiber-cement siding.
        (6) Thermal glass

3. Commercial/Industrial/Institutional Building Requirements

    a. The primary exterior building finishes for new or expanding principal commercial, industrial and institutional buildings in commercial/industrial zoning districts shall consist of the following materials:

(1) Brick or Stone (natural or manufactured).
(2) Fiber-cement siding/concrete composite board.
(3) Cast in place concrete or pre-cast concrete panels.
(4) Monolithic architectural/decorative with integral color concrete block.
(5) Curtain wall panels of steel, glass, fiberglass and aluminum (non-structural, non-load bearing) provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
(6) Glass
(7) Stucco (natural or artificial).
(8) Pre-manufactured Kynar (or similar) finish coated 26-guage minimum steel panels, provided there is protection designed for metal in vulnerable places such as high traffic areas, doors (loading, entry, garage), and corners.
(9) Factory finish texture faced steel panels, provided there is protection designed for metal in vulnerable places such as high traffic areas, doors (loading, entry, garage), and corners.
(10) Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.

b. The following are permitted accent materials that may be used for up to 25% of any exterior wall area.

(1) Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
(2) Metal.
(3) Vinyl, steel, or aluminum siding.
(4) Field painted materials (i.e. decorative band on precast concrete).

c. No wall length shall exceed 100 feet without visual relief, incorporating design features such as windows, horizontal/vertical patterns, contrasting material colors, or varying wall depths.

All new building façades and refaced façades of existing buildings shall include a minimum of three (3) of the following elements:

(1) Accent materials on all walls visible from public view.

(2) Visually pleasing front entry that, in addition to doors, shall be accented by a minimum 150 square feet around the door entrance (300 square feet for multi-tenant building).
(3) 25% window coverage on each front that faces a street.
(4) Contrasting, yet complimentary material colors.
(5) A combination of horizontal and vertical design features.
(6) Irregular building shapes or varying wall depths and shapes.
(7) Varying roof line, design, or materials.
(8) Decorative lighting design.
(9) Arcades, awnings, window bays, balconies or similar ornamental features
(10) Other unique architectural features in the overall concept.

d. Other design provisions:

(1) For Commercial, Industrial and Institutional properties all garages and accessory structures shall be of a similar color, type, quality, and appearance as the principal structure.
(2) Principal building roofs that are exposed or an integral part of the building architecture shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, fabric (plastic fabric or canvas) or materials similar in appearance and performance. Flat roofs (1/12 slope or less) and accessory building roofs are not subject to these material limitations.

e. Exemptions: Whenever an existing industrial or commercial building has been damaged or destroyed to the extent of fifty percent (50%) or more of its fair market value, and a building permit has been applied for within 180 days of when the property was damaged, the re-built structure shall be exempt from the exterior building standards of this Section.

4-3-6 Building and Structure Heights

1. All <u>principal</u> buildings and structures shall comply with the maximum building height of the applicable zoning districts.

2. Exceptions. The building height limits established herein for zoning districts shall not apply to the following:

a. Belfries.
b. Chimneys or flues.
c. Church spires.
d. Cupolas and domes which do not contain useable space.
e. Elevator penthouses.

f. Flag poles mounted on a building.
g. Parapet walls extending not more than three (3) feet above the limiting height of the building.
h. Agriculture silos.
i. Necessary mechanical and electrical appurtenances.
j. Poles, towers and other structures for essential services.
k. Personal wireless service and commercial broadcasting antennas not exceeding twenty (20) feet above the roof of the antenna support structure.
l. Antenna towers.

3. Roof mounted mechanical equipment must meet the following standards:

a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten (10) feet.

b. All rooftop and ground mounted mechanical equipment shall be buffered to mitigate noise in compliance with this Ordinance

c. All rooftop and ground mounted equipment shall be painted or color clad to match the building or screened from view with secured fencing or parapets in a harmonious color.

4. Aviation Obstructions. In the case of any proposal to construct or alter a structure which will exceed a height of two hundred (200) feet above ground level of the site, or any proposal to construct or alter a structure to a height greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the runway of a public airport, the applicant shall notify the Commissioner of the Minnesota Department of Transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the County. The applicant shall provide the Planning Department with any comments received from the Commissioner of the Minnesota Department of Transportation as part of the required applicable permit request. This local reporting is in addition to any federal permitting and review processing which may be simultaneously required.

4-3-7 Lowest Floor Elevations

High Surface Water Elevation. No structure, except piers, docks, and retaining walls shall be placed at an elevation such that the lowest floor, including basement floor, is less than three (3) feet above the highest known water level where an outlet exists and has been defined, or less than one (1) foot above the 100 year regulatory flood protection elevation, if determined, of any adjacent lake, pond, river, watercourse, or wetland. If sufficient data on known high water levels are not available, the property owner is responsible for determining the 100-year flood elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Official and a soil engineering report is provided for the proposed structure.

4-3-8 Sewage Disposal

The installation of on-site sewage treatment systems shall comply with the provisions of the State Uniform Building Code and Scott County's Individual Sewage Treatment System Ordinance No. 4, as amended.

4-3-9 Accessory Buildings and Structures

1. Rural Residential, Residential Suburban, Urban Expansion, ~~Urban~~ Transition Reserve, Urban Business Reserve, Rural Business Reserve, and Agricultural Districts.

    a. No accessory building shall exceed the height in the respective zoning district. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.

    b. One (1) accessory building, not to exceed ~~one hundred twenty (120)~~ two hundred (200) square feet of floor area, shall be allowed and is not required to meet setbacks and shall be permitted in addition to the allowed square footage of accessory building size.

    c. One (1) three-sided animal shelters shall be allowed for horses and other livestock uses on parcels 10 acres or greater, and shall be exempted from detached accessory building area calculations up to 288 sq. ft. Any animal shelters no longer used for housing animals shall be removed from the property and at no time shall be used for other storage.

    d. No accessory building permit shall be issued on a lot until the foundation for the principal building to which it is accessory is complete.

e. Parcels having existing accessory structures at or above the maximum square footage may be issued a permit to construct a new accessory structure if a financial guarantee is provided to ensure removal of other accessory structures to come into compliance with this Ordinance. Other accessory buildings shall be removed within sixty (60) days of final inspection approval.

The financial guarantee amount shall be ten thousand dollars ($10,000) or acceptable amount based on a submitted demolition and removal estimate at discretion of Zoning Administration.

2. ~~Single Family~~ Residential Accessory Buildings.

a. Detached Garages, Accessory Buildings, and Additional Accessory Structures, individual and combined, shall be subject to the maximums listed in the following table: ~~See individual zoning district~~.

Lot Size	**Maximum Building Area**	**Height**
Less than 1 acre	1,000 square feet	18 feet
1 – 1.99 acres	2,000 square feet	20 feet
2 – 4.99 acres	3,000 square feet	20 feet
5 – 7.99 acres	3,600 square feet	20 feet
8 – 9.99 acres	4,000 square feet	24 feet
10 – 14.99 acres	5,000 square feet	24 feet
15 – 39.99 acres	6,000 square feet	24 feet

Exceptions:

(1) Existing or proposed agricultural buildings currently used for agricultural purposes, or private greenhouses used for growing plants, as verified by Zoning Administration.

(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by Zoning Administration.

b. Attached Garages. The maximum floor area for attached garages shall be the greater of eight hundred (800) square feet or a footprint equal to the footprint of the principal building.

For Parcels in the A-1, A-2, A-3, TR the maximum floor area for attached garages on parcels greater than 10 acres shall be the greater of eight hundred (800) square feet or a footprint equal to 150% of the footprint of the principal building.

c. The roofline of attached garages shall not extend above the roofline of the principal structure on the lot.

3. Commercial and Industrial Districts. No accessory building shall exceed the height of the principal building except by conditional use permit.

4-3-10 Fencing

Fences are a permitted accessory use in all zoning districts subject to the following standards:

1. All fences (except agricultural fences) shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees in writing and submitted to the Planning Department that such fence may be erected on the division line of the respective properties.

2. Fences shall not exceed six (6) feet in height from finished grade in Rural Residential, Residential Suburban, and Urban Reserve Zoning Districts or eight and one-half (8.5) feet in height from finished grade in Commercial and Industrial Districts. Agricultural fences that are seventy-five (75) percent or more open are exempt from the district fence height standards.

3. Taller Fences. Fences taller than the district fence height standards may be allowed by administrative permit subject to the following conditions:

   a. Taller fences shall be seventy-five (75) percent open or more to allow for the passage of air and light and shall be setback a minimum of ten (10) feet from a property line.

   b. Taller fences that are less than seventy-five (75) percent open shall comply with the required principal building setbacks of the zoning district.

4. Fences which are greater than twenty (20) percent opaque shall not exceed three and one-half (3.5) feet in height within fifteen (15) feet of a street right-of-way.

5. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face the abutting property.

4-4 SCREENING AND LANDSCAPING STANDARDS

4-4-1 Required Screening

1. Where any commercial or industrial use (i.e., structure, parking or storage) abuts Rural Residential, Residential Suburban, ~~Urban~~ Transition Reserve or Urban Expansion Zoning Districts, such business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Planning Department). All the screening specifically required by this Ordinance shall be subject to the following standards:

1. Greenbelt Planting Strip

   a. A greenbelt planting strip shall consist of evergreens deciduous trees, shrubs and plants of a sufficient density to compose an eighty (80) percent opaque visual screen and reasonable buffer viewed at a ninety (90) degree angle from the greenbelt planting strip. This planting strip shall be designed to provide visual screening to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Planning Department. An earth berm may be used but shall not be used to achieve more than eight (8) feet of the required screen. The planting plan and type of plantings shall require the approval of the Planning Department.

   b. A fence may also be installed, but not in lieu of the greenbelt. The fence shall be constructed of masonry, brick, or wood, except as otherwise provided herein. Such fence shall provide an eighty (80) percent opaque screening effect and shall be a minimum of six (6) feet in height but shall not exceed eight (8) feet in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Planning Department. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning Department. Fences in excess of eight (8) feet in height shall require an administrative permit subject to the approval of the Planning Department.

2. Screening Standards

a. Deciduous trees shall be planted not more than forty (40) feet apart. Evergreen trees intended for screening shall be planted not more than twelve (12) feet apart or depending on the plant spread.

b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Planning Department.

c. Required screening does not count towards minimum landscape requirements identified in section 4-4-2.

4-4-2 Required Landscaping

The preservation of existing trees and vegetation, as well as the planting of new trees and vegetation, can significantly add to the quality of the physical built environment. Trees can provide the following benefits to the community:

- Provide buffers and screens again noise, air pollution, and unsightly and incompatible uses;
- Reduce the hazards of flooding and aid in the control of erosion and storm water runoff;
- Act to moderate extremes of temperature and provide shade;
- Aid in energy conservation

New or expanding utility, commercial, industrial, and institutional uses shall be subject to mandatory landscape plan and specification requirements.

1. General Landscape Standards

a. Said landscape plan shall include a narrative describing the overarching landscape architecture elements and how the design and placement of plant types and materials will complement the form and function of the developed site.

b. Said landscape plan shall be developed with an emphasis upon the entry focal areas, boundary or perimeter of the proposed site at points adjoining a public right-of-way, parking lot, other property and the immediate perimeter of the structure.

c. The number of plantings shall be the greater of a.) 1 landscape unit per 40 feet of the site perimeter or b.) 1 landscape unit per 500 sq. ft. of gross building area.

d. The target goal for site landscaping is that all existing and new tree canopies at full maturity cover at least five (5) to ten (10) percent of the entire developed site.

e. All landscaping incorporated in said plan shall conform to the following minimum sizes, standards and criteria:

A landscape unit shall be defined as one (1) of the following:

Landscape Unit	Potted/Container OR	OR	Balled and Burlapped
Deciduous/Shade trees	2.5 inch diameter/#25 container		2.5 inch diameter
Ornamental trees (flowering crabs, hawthorn, etc.)	6 - 8 feet in height/#7 container		2 inch diameter
Coniferous/Evergreen trees	---		6 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 - 4 feet in height		3 - 4 feet in height
Low shrubs, deciduous Evergreen Spreading evergreens	18-24 inch potted/#2 - #10 container		24 - 30 inches 24 - 30 inches 18 - 24 inches

* Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, groundwater, manmade irrigation, grading, etc.).

f. For all landscape plans, at least 10% of the evergreen and/or deciduous trees must exceed the minimum size (to 8 feet high and 3½ inches caliper balled and burlapped respectively) to establish some diversity in size or enrichment of design intent.

g. The complement of trees fulfilling the minimum requirements shall provide a variety of vertical and horizontal plantings and landscape features to maintain a mix of plant types.

2. Design and Placement: The landscape plan shall articulate, shape and form the landscape design of the exterior space using landscape elements of plant materials, walks, terraces, fences, creative grading, sculpture, lighting, etc. to create hard and soft elements into a composition form.

a. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into vegetation (lawns, ground covers, or shrubs).

b. At least 50% of the total building foundation perimeter shall be sodded or landscaped with approved ground cover, shrubbery, and trees.

c. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Planning Department.

d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted three (3) feet on center or closer.

e. Turf slopes in excess of three to one (3:1) are prohibited, except as part of a rain garden design.

f. Trees and shrubs shall not be planted in the right of way.

g. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.

3. Landscaping of Parking Areas (Landscaping provided in parking areas may be used to meet overall landscaping requirements):

a. At least 3% of the total land area within the required parking and driveway areas of a site shall be landscaped for lots with less than 30 spaces. At least 5% of the land area shall be landscaped for sites having between 30-50 parking spaces, and at least 8% of the land area shall be landscaped for sites having over 50 parking spaces

b. A landscape amenity (island, bump-out, etc.) shall be installed in any parking area having more than 10 contiguous linear spaces.

c. A minimum landscape buffer area twenty (20) feet in width shall separate any parking, driveway or structure from a lot line in common with any residential district.

4. Landscape Guarantee: All new plants shall be guaranteed for a full growing season from the time planting has been completed. All plants shall be alive, of good quality, and diseases free at the end of the warranty period or be replaced. Any replacements shall be warranted for a full growing season from the time of planting. The growing season is herein defined as the period from June 1 to September 30.

5. Time of Planting: Planting operations shall be conducted under favorable weather conditions during one of the following planning seasons as specified herein. For deciduous plant materials, spring planting should occur from April 1 to June 1; and fall planting from September 30 –

November 15. For coniferous plant materials, spring planting should occur from April 1 to May 15; and fall planting from August 15 to October 15.

5. Landscape plans may be accompanied by a minimum $5,000 financial guarantee consistent with Section 2-12 of this Ordinance, prior to issuance of a building permit.

6. Any proposed modifications to these landscape requirements must consider a site specific design solution if site conditions are deemed appropriate and other functional requirements (screening, etc.) are met.

4-5 EXTERIOR LIGHTING STANDARDS

1. Purpose. It is the purpose of this Ordinance Section to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing night time safety, utility, security and productivity.

2. Exemptions. The provisions of this Section shall not apply to the following:

    a. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

    b. This Section does not prohibit the use of temporary outdoor lighting used for celebrations and promotions.

    c. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.

    d. Emergency lighting by police, fire, and rescue authorities.

    e. Lighting required for the operation of outdoor ball fields or sports facilities associated with public parks.

3. Non-Conforming Uses.

    a. All outdoor lighting fixtures existing and legally installed prior to the effective date of this Ordinance are exempt from regulations of this Section but shall comply with the previous ordinance requirements for glare as follows: In all districts, any lighting used to illuminate an off-street parking areas, signs, or other structures, shall be installed so as to deflect light away from any adjoining Rural Residential, Residential Suburban, or Urban Expansion Zoning Districts or from the public streets. Direct or sky-reflected glare,

whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. Welding associated with farming activities or agricultural uses shall be exempt from the glare standard of this provision. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Lighting standards shall not exceed twenty five (25) feet or the height of the principal building on a lot without a conditional use permit.

b. Whenever a light fixture that existed on the effective date of this Ordinance is replaced by a new outdoor light fixture, the provisions of this Section shall be complied with.

4. Intensity. No light source or combination thereof which cast light on a public road shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four-tenths (0.4) foot candles as measured at the property.

5. Method of Measuring Light Intensity. The foot candle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.

6. Performance Standards.

a. Agricultural, Rural Residential, Residential Suburban, ~~Urban~~ Transition Reserve and Urban Expansion Zoning District Standards. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged as to deflect light away from any adjoining residential property or from any public right-of-way in accordance with the following provisions:

(1) The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 4-4-3.4.

(2) Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way, unless part of a permanent fixture.

b. Urban Business Reserve, Commercial, and Industrial Districts. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged so as to deflect light away from any

adjoining property or from any public right-of-way in accordance with the following provisions:

(1) Shielding. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of ninety (90) degrees or less.

(2) Intensity. Light sources shall not be permitted so as to light adjacent property in excess of the maximum intensity defined in Section 4-4-3.4.

(3) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is twenty-five (25) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of a light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located unless allowed by conditional use permit.

(4) Canopy lighting shall only be permitted under the canopy structure and consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination below the canopy may not exceed one hundred fifteen (115) foot candles at ground level.

(5) Location.

(a) The light source of an outdoor light fixture shall be set back a minimum of ten (10) feet from a road right-of-way and five (5) feet from a side or rear lot line.

(b) No light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Planning Department.

(6) Glare. Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.

7. Submission of Plans. All applications, except single family residential and agricultural land uses, that include outdoor lighting, must include evidence that the proposed outdoor lighting will comply with this Section. The application shall contain the following information, in addition to other required information:

a. Site plans indicating the location on the premises of all illuminating devices, fixtures, lamps, supports, reflectors and other lighting devices.

b. Description of the type of illuminating devices, fixtures, lamps, supports, reflectors and other lighting devices. The description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required).

c. Photometric plans illustrating the angle of the cutoff or light emissions, and illumination field of the proposed site lighting.

4-6 NUISANCE STANDARDS

1. Air Pollution. Any use shall be operated to control air pollution so that it is not detrimental to, or a danger to, the public health, safety, comfort or general welfare of the public. For the purpose of this Ordinance, the rules and regulation adopted by the Minnesota Pollution Control Agency, as amended, shall apply.

2. The emission of odor by any use, except existing permitted agricultural uses, shall be in conformance with all applicable regulations. Uses or activities which have the potential for odor problems shall prepare an odor control plan which must identify all sources of odor associated with the proposed use and detail how these odor emissions will be addressed by the facility. The plan shall incorporate current Best Management Practices for control of odors from similar facilities and propose methods for addressing and mitigating conditions that result in odor complaints. The use shall be subject to any future odor regulations and shall not be considered a grandfathered use.

3. The emission of noise by any use, except for existing permitted agricultural uses, shall be in conformance with all applicable regulations. Uses or activities which have the potential for noise problems shall prepare a noise control plan which must identify all sources of noise associated with the proposed use and detail how these noise emissions will be addressed by the facility. The plan shall incorporate current Best Management Practices for control of noise from similar facilities and propose methods for addressing and mitigating conditions that result in noise complaints. The use shall be subject to any future noise regulations and shall not be considered a grandfathered use.

4. Bulk Storage (Liquid). All uses associated with bulk liquid storage in above ground or underground storage tanks shall be in accordance with the rules and regulations adopted by the Minnesota Pollution Control Agency and the Minnesota State Building Code, as amended. This

includes registering tanks, preventing spills or leaks into the environment, and assuring that the tanks are not a fire or explosion hazard.

5. Hazardous Materials. Any use shall be operated so as not to release hazardous materials into the air, soil or water in violation of Federal, State, or County regulations. In addition, there shall be no release of hazardous material in such concentration so as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property, business or the environment.

6. Solid Waste. In all zoning districts, all solid waste, except for crop residue, shall be kept in closed containers designed for such purposes and shall be managed in accordance with the Scott County Solid Waste Management Ordinance. The owner of vacant land shall be responsible for keeping such land free of all solid waste.

7. Waste.

   a. All waste generated shall be disposed in a manner consistent with all applicable Federal, State, County, and local regulations.

   b. Any accumulation of waste generated on any premises, brought on the premises or stored on the premise which is not stored in containers which comply with all applicable Federal, State, County and local regulations, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereon for more than one week, is a nuisance and may be abated. Judgment may be obtained for collection of the costs of abatement against the record owner(s) of the property where the nuisance is found.

      Any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with all applicable Federal, State, and local regulations, or other material declared to be a public health nuisance may be abated and the cost of abatement may be assessed against the property where the health nuisance is found.

   c. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited.

8. Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of all applicable Federal, State, County, and local regulations.

9. Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

10. Commercial, industrial, institutional refuse and recyclable materials and equipment.

    a. All refuse, recyclable materials, and necessary handling equipment including but not limited to garbage cans, recycling bins, and dumpsters shall be stored within the principal structure, within an accessory building, or totally screened from eye-level view from all neighboring uses and the public right-of-way.

    b. Exterior storage of equipment shall require the following:

        (1) Exterior wall or fence treatment shall be similar and/or complement the principal building.

        (2) The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and easements.

        (3) The trash and/or recycling enclosure must be in an accessible location for pick up hauling vehicles.

        (4) The trash and/or recycling receptacles must be fully screened from view of adjacent properties and the public right-of-way by a fence or wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent.

        (5) All dumpsters, recycling bins, handling equipment, and enclosures shall be kept in a good state of repair with tight fitting lids to prevent spilling and spread of debris. All designs and construction of such enclosures shall be subject to the Planning Department's approval.

4-7 OUTDOOR STORAGE STANDARDS

1. Purpose. The purpose of this Section is to provide standards for allowing outdoor storage of materials, equipment, and vehicles as may be allowed within the respective zoning districts such that the activity can occur compatibly with surrounding uses and properties.

2. Vehicles/Equipment.

a. Vehicles “For Sale” Within a Commercial/Industrial District. Motor, commercial and recreational vehicles shall not be displayed “for sale” or sold within commercial/industrial districts unless as part of an approved licensed sales dealership or for short term parking (twelve (12) hours or less) if the vehicle is owned by an employee or owner of said business where the vehicle is parked with the consent of the business owner.

b. Property owners of lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban, ~~Urban~~ Transition Reserve Cluster, and Urban Expansion Reserve Cluster Zoning Districts may be permitted to park or store one (1) business associated vehicle not exceeding one (1) ton and one (1) trailer with associated equipment on the trailer, either indoors or outdoors, provided that it is not used for transporting hazardous, or flammable materials. Associated business supplies must be kept indoors. Storage of additional vehicles is not allowed without a conditional use permit.

3. Semi-trailers, cargo containers, railroad cars, or similar structures shall not be parked or used for storage in any zoning district after the effective date of this ordinance.

4. Junked or Inoperable Vehicles - Unless specifically permitted, all motor vehicles, kept or stored outside on any property in any zoning district, shall be currently licensed, and shall be in an operating condition. When a vehicle is lacking vital components needed for operation or current registration, it is declared to be inoperable and shall be removed from the property or placed into a garage or other accessory structure or such vehicle(s) shall be completely screened from view of all adjacent properties or the public right of way (ROW).

5. In all zoning districts, except Agricultural Districts, salvage parts and equipment not currently being used for the purpose of business activities shall be stored in a building, or screened from neighboring properties and public roads, or shall be removed from the property.

6. In the Agricultural, Urban Expansion, ~~Urban~~ Transition Reserve, and Urban Business Reserve Zoning Districts, the on-site salvage and storage of parts and equipment for the property owner’s use for the purpose of farming activities shall be permitted. Storage of salvage parts and equipment shall not be located within the required front yard setbacks of the respective district.

7. Any motor vehicle or agricultural/industrial equipment or a part which is in violation of this Ordinance is hereby declared to be a public nuisance.

The County may enter upon the land where the public nuisance is located and remove and dispose of such public nuisance, after a court hearing as provided by law, and after a thirty (30) day notice to the owner of the land and the owner of the motor vehicle and or agricultural/industrial equipment and parts, if known. No compensation shall be paid for any motor vehicle or agricultural/industrial equipment and parts removed or disposed of pursuant to this Section. If the County receives any proceeds from the removal and disposal of such items, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner, if known. Judgment may be obtained against the record owner(s) of the property upon which the motor vehicle and or agricultural/industrial equipment and parts were located for costs incurred by the County in the removal and disposal of these items which are not reimbursed.

8. Unless specifically permitted, no person may accumulate or permit to accumulate or store outside on any property in any zoning district which might constitute a nuisance by reason of appearance, odor, sanitation, or a fire hazard any discarded goods, products and materials. These materials shall be disposed of in a manner consistent with all applicable Federal, State, County and local regulations. Any scrap wood, parts, metals, or recycled materials that are kept for future use, shall be stored within an accessory structure or garage so as to remain out of public view from an adjacent property or public right of way.

   Discarded goods, products and materials are hereby defined within as discarded materials resulting from the handling, processing, storage, preparation, serving and consuming of food, or materials which normally result from the operation of a household or business use. Discarded goods, products, and materials include but are not limited to: rubbish, cans, paper, cardboard, glass, bottles, plastics, rubber, rags, wood, ashes, tires, batteries, pesticides, household appliances, scrap iron, other metals, motor oil, automobile fluids, automotive or other mechanical parts, construction waste and materials, furniture or any other household refuse or material.

   The terms do not include natural, untreated and cut firewood, construction material or other waste or debris resulting from the permitted construction, reconstruction or demolition of buildings that is appropriately contained in a dumpster, roll off container or other acceptable device suitable for containing such materials or debris. This section does not apply to licensed sanitary or demolition landfills.

CHAPTER 5: TRAFFIC, PARKING, ACCESS, AND LOADING

5-1 PARKING

5-1-1 Purpose

The regulation of off-street parking spaces in this Ordinance is to alleviate or prevent congestion of the public rights-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of various parcels of land or structures. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the County.

5-1-2 Site Plan Drawing Necessary

All applications for a conditional use, interim use, administrative use, building permit, or a certificate of occupancy in all zoning districts shall be accompanied by a site plan, indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Ordinance.

5-1-3 General Provisions

1. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are unlicensed or inoperable, or for sale or rent.

2. Parking shall not be allowed in areas that are not designed for off-street parking.

3. Off-street parking spaces existing upon the effective date of this Ordinance shall not be reduced unless said numbers exceed the requirements of this Ordinance.

4. Calculating Space.

    a. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.

    b. In churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such design capacity seating facilities shall be counted as one (1) seat for the purpose of determining requirements.

c. Should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

d. Floor Area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except as may hereinafter be provided or modified.

5-1-4 Location

1. Spaces accessory to single family dwellings shall be located on the same lot as the principal use.

2. No off-street parking area containing more than four (4) parking spaces shall be located closer than ten (10) feet from an existing lot zoned or used for residential purposes.

3. All open commercial/industrial/institutional off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb or a guard of normal bumper height not less than ten (10) feet from the side property line.

4. The setback for any off-street parking space or drive aisle from any street right-of-way shall be ten (10) feet in Rural Residential, Residential Suburban, ~~Urban~~ Transition Reserve and Urban Expansion Zoning Districts and twenty (20) feet in commercial/industrial districts.

5. Off-street parking for a commercial or industrial use located on a lot other than the lot on which the principal use is located shall be by conditional use permit and shall meet the following conditions:

   a. All parking spaces for commercial and industrial uses shall be located within three hundred (300) feet of the main entrance of the principal use being served.

   b. The parking spaces must be on an adjacent lot or separated from the lot by a street right-of-way.

   c. The parking spaces must not create unsafe traffic or pedestrian conditions.

5-1-5 Parking Lot Design

1. Agricultural, Rural Residential, Residential Suburban, Urban Business Reserve, ~~Urban~~ Transition Reserve, and Urban Expansion Uses.

    a. Each parking stall shall be a minimum of nine (9) feet wide by eighteen (18) feet in depth.

    b. Parking areas shall be surfaced to control dust and stormwater drainage.

    c. Driveway curb cut width in the residential and agricultural zoning districts shall not exceed twenty-four (24) feet.

2. Institutional, Commercial, and Industrial Uses.

    a. Each off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Planning Department.

    b. Parking spaces for compact cars may be included within a parking plan approved by the Planning Department provided such spaces comprise no more than forty (40) percent of the spaces for the entire use of the project, and provided they are clearly identified on the site and their location is designed carefully into the overall site plan. Such spaces shall be a minimum of eight (8) feet wide by sixteen (16) deep.

    c. Disability Accessible Parking. Disability accessible parking spaces shall be provided as applicable pursuant to Minnesota Statutes 168.021, as may be amended.

    d. Circulation.

        (1) Site access and parking areas shall be designed so that circulation between parking spaces or aisles occurs within the designated parking lot and does not depend upon a public street or alley.

        (2) Site access and parking area design which requires direct backing into the public street is prohibited.

(3) Driveway curb cuts shall not exceed thirty-six (36) feet in width.

e. Required off-street parking, loading, and services areas located in any front or side yard shall be paved and shall be drained so as to dispose of all surface water accumulation within the parking area, in accordance with an approved stormwater management plan. Acceptable surfaces may include asphalt, concrete or substitute as approved by the Planning Department. All surfacing must be completed prior to the occupancy of the structure, unless otherwise approved by the Planning Department.

f. Grade Elevation – Parking Spaces and Areas. The grade elevation of any parking area shall not exceed five (5) percent, except as approved by the Planning Department.

g. Striping. All parking areas of five (5) spaces or more shall be marked with painted lines not less than four (4) inches wide.

h. Lighting. Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and shall be in compliance with Section 4-4-3 of this Ordinance.

i. Curbing. Open off-street parking may be required to provide a perimeter continuous concrete curb around parking lot where it is necessary to control site drainage or to channel on-site traffic.

j. Required Screening. For commercial, institutional and industrial uses, all open, off-street parking areas of four (4) or more spaces located within thirty (30) feet of a residentially zoned district shall be fenced or screened with plant material not less than 4 feet in height from abutting or surrounding Rural Residential, Residential Suburban, ~~Urban~~ Transition Reserve and Urban Expansion zoned properties

k. Landscaping. Open off-street parking lots shall be landscaped per the provisions of Chapter 4 of this Ordinance

5-1-6 Off-Street Spaces Required

1. Off-street parking areas shall be of a sufficient size to provide parking for patrons, customers, suppliers, visitors and employees, and shall be as set forth in the following table.

1. One Family Residences	Two (2) spaces per dwelling unit
2. Business, Professional Office, and Retail Store	At least one (1) off-street parking space for each two hundred (200) square feet of floor area
3. Restaurants, Cafes, Taverns, Night Clubs	At least one (1) space for each two and one-half (2.5) seats based on capacity design
4. Churches, Theaters, Auditoriums, and other Places of Assembly	One (1) space for each three (3) seats upon maximum capacity
5. Industrial, Warehouse, Goods	Storage, handling bulk at least one space for each employee on maximum shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger.
6. Uses Not Specified or Not Precisely Identified.	Calculated by the Planning Department based on, but not limited to, characteristics for similar uses and professional studies prepared by American Planning Association or Institute of Traffic Engineers.

2. Proof of Parking. If it can be demonstrated by the applicant that the parking spaces required exceeds demand, all parking need not be constructed initially but parking required to satisfy the Ordinance shall be shown on the site plan and labeled as “Proof of Parking”.

5-1-7 Vehicle and Equipment Parking in Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban Single Family, and Urban Expansion Reserve Cluster Zoning Districts

1. No construction equipment or similar equipment shall be parked on lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban Single Family, ~~Urban~~ Transition Reserve Cluster, and Urban Expansion Reserve Cluster Zoning Districts, or on public streets except for the purposes of loading, unloading, or rendering a service or unless allowed by conditional use permit or interim use permit.

2. One (1) business associated vehicle not exceeding one (1) ton and one (1) trailer with associated equipment on the trailer may be allowed to be parked or stored on lots less than ten (10) acres in the Rural Residential

Reserve Cluster, Rural Residential Single Family, Residential Suburban Single Family, ~~Urban~~ Transition Reserve, and Urban Expansion Reserve Cluster Zoning Districts.

5-1-8 Maintenance

It shall be the joint responsibility of the operator and owner of the principal use, uses, and/or building to maintain, in a neat and adequate manner, the parking lot/driveway surfacing, parking spaces, accessways, landscaping and required fences.

5-2 SITE ACCESS

5-2-1 Access to County & State Roads

Authorization to construct or alter a driveway on a County road shall consist of a permit signed by the County Engineer or ~~his~~ authorized representative. All new driveways for residential, commercial, industrial or institutional uses subject to County review as part of a land subdivision or zoning permit shall be constructed in accordance with County adopted standards and shall be located in accordance with the minimum access spacing guidelines in Scott County Land Subdivision Ordinance No. 7, as amended. No driveway shall be constructed to a County road until such permit has been obtained. All existing driveway or field access locations may be modified, closed or altered as a condition of approval for any plat approval, zoning permit, grading permit or building permit issued by the County. Turn and/or by-pass lanes may be required as a condition of approval for certain traffic-generating land uses (permitted, conditional or interim) as determined by the County Engineer or authorized representative, or MnDOT.

5-2-2 Access to Township Roads

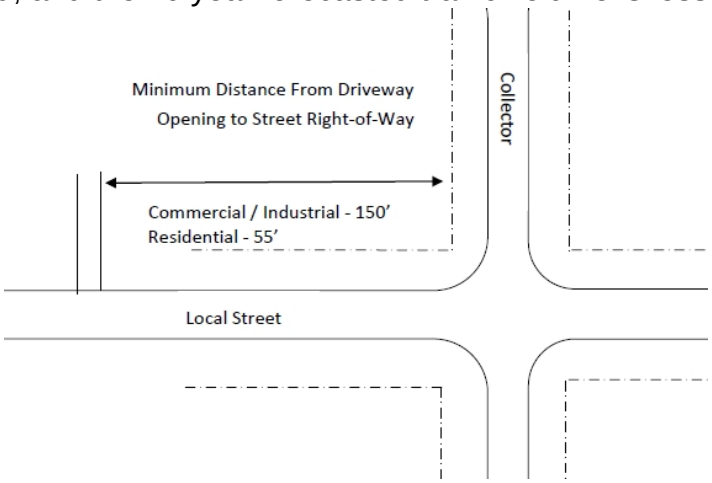
Authorization to construct or alter a driveway on a Township road shall consist of a permit signed by a representative of the Town Board. Driveways shall be constructed in accordance with Township adopted standards. No driveway shall be constructed to a Township road until such permit has been obtained.

The proximity of a residential or industrial/commercial/institutional driveway to a major roadway intersection will be reviewed by County staff during plat review or special use permit review. The table below sets the minimum allowed distances between private driveways and major roadway intersections.

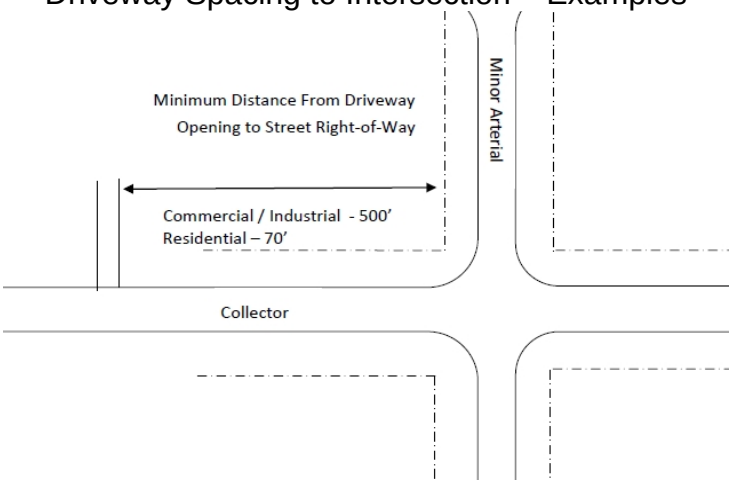
Street With Proposed Private Driveway	Nearest Intersecting Street			
	Local Street	Collector	Arterial	Principal Arterial
Local Street				
Residential	40 ft	55 ft	70 ft	100 ft
Ind./Comm./Inst.	100 ft	150 ft	150 ft	500* ft
Collector Street**				
Residential	40 ft	55 ft	70 ft	100 ft
Ind./Comm./Inst.	100 ft	200 ft	500* ft	500* ft

* Driveway access may be located less than five hundred (500) feet from the nearest intersection if the proper roadway geometrics are installed to limit access to right turns in and out of the property only. Such exceptions are subject to approval of the County and the Township Engineer (as applicable). Review criteria shall include, but not be limited to, sight lines and distances, traffic volumes and speeds on the public street, intersection controls, street and driveway spacing, trip generation from the property.

** If proposed driveway is to access a County collector road, these minimum setbacks only apply if the road's anticipated cross section is two-lane undivided, and the 20 year forecasted traffic volume is less than 3,000 ADT.



Driveway Spacing to Intersection – Examples



5-2-3 Private Access Drives (Outside of Road Right-of-Way

1. Private access drives outside road right-of-way may be shared between property owners.

3. Private access drives outside road right-of-way to principal structures shall comply with the Uniform Fire Code.

5-3 TRAFFIC MANAGEMENT

5-3-1 Traffic Control

1. The traffic control generated by any use shall be channeled and controlled in a manner that will avoid congestion on public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic.

2. Internal traffic shall be so regulated as to ensure its safe and orderly flow.

3. Traffic into and out of business areas shall, to the extent possible, be forward moving with no backing into public streets.

4. On corner lots (in all districts), nothing shall be placed or allowed to grow, with the exception of seasonal crops, within the sight visibility triangle setback in a manner that may interfere with traffic or pedestrian visibility along a public right-of-way between the heights of three (3) feet and ten (10) feet above the road centerline grade. The sight triangle is defined as follows: Beginning at the intersection of the projected property lines of two (2) intersecting roads, thence thirty (30) feet along one property line, thence diagonally to a point of thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning. The sight triangle may be enlarged where determined by the Planning Department to be necessary for public safety.

5-3-2 Traffic Impact Studies

Traffic impact studies are utilized to evaluate the interaction between existing transportation infrastructure and proposed land development projects. The basic premise is that land development generates new traffic that will travel on the adjacent highway system and that the amount of traffic and the relative impact to the system is predictable. The purposes of a traffic impact study are 1) identify potential adverse impacts to the existing transportation system and to proposed developments, such as on-site congestion and/or congestion on adjacent roadways, inadequate access capacity, crash experience or expectancy, or limited flexibility to modify the development to eliminate problems or adjust to changed conditions; 2) assist public and private sector entities identify and resolve issues related to the location of driveways,

public streets, traffic controls and other transportation facilities that are requested; and 3) assist in the long-term planning such that the extension and growth of the transportation system may occur in a manner that is comprehensive in nature and supportive of the public good.

The need for a traffic impact study when new or expanded development projects are proposed will be determined by the County Engineer. The County's guiding document on traffic impact analyses shall serve as reference on the study process, report format, and performance standards used to measure any potential traffic impacts.

5-4 OFF-STREET LOADING AND UNLOADING AREAS

5-4-1 Design Standards

The following standards shall apply for off-street loading and unloading areas:

1. All required loading areas be off-street and shall be located on the same lot as the building or use to be served. A loading area shall be located at least twenty-five (25) feet from the intersection of two (2) street rights-of-way and at least fifty (50) feet from a Rural Residential, Residential Suburban, ~~Urban~~ Transition Reserve, or Urban Expansion Zoning District, unless within a building. Loading areas shall not occupy the required front yard space.

2. A required loading area shall not be less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

3. Each required loading berth shall be located with means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

4. All loading areas and access ways shall be surfaced and shall be drained so as to dispose of all surface water accumulation in the loading areas in accordance with an approved storm water management plan. Acceptable surfaces may include asphalt, concrete, or a substitute as approved by the Planning Department. All surfacing must be completed prior to the occupancy of the structure unless otherwise approved by the Planning Department.

5. Any space allocated as a loading berth or maneuvering area shall not be used for storage of goods, or inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

6. Off-street loading or unloading space shall be provided in connection with any structure which is to be erected or substantially altered, and which

requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

7. Noise from loading or unloading activity shall not exceed standards as permitted by the Minnesota Pollution Control Agency (MPCA).

CHAPTER 6: STORMWATER MANAGEMENT, EROSION CONTROL, AND WETLANDS

6-1 PURPOSE

The purposes of this Chapter are to provide for:

1. The protection, preservation, maintenance, and use of the water and soil resources of the unincorporated area of the County through management of stormwater drainage, minimization of land disturbance, and prevention of damage from erosion and sedimentation;

2. The use of controls and regulations to secure safety from floods; to prevent loss of life, property damage, and other losses and risk associated with flood conditions; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to protect individual and community riparian rights; and to preserve the location, character, and extent of natural and artificial water storage and retention areas;

3. The enforcement of this Chapter and the coordination of the enforcement of appropriate and applicable Federal, State, County, and local regulations;

4. The implementation of the goals and policies of the Scott County Comprehensive Plan, as amended, the Scott County Water Resources Plan, as amended, the Scott Watershed Management Organization Comprehensive Water Resource Plan, as amended, and water resource plans prepared by the Lower Minnesota River Watershed District, the Prior Lake/Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organization, as amended.

ARTICLE A. ADMINISTRATION

6A-1 PURPOSE

The purpose of this article is to provide for the clear, consistent and efficient administration of this Chapter**.**

6A-2 GRADING PERMITS REQUIRED

1. Except as otherwise provided in this Section, it shall be unlawful for anyone to conduct land disturbing activities without first obtaining a written grading permit from the Planning Department in accordance with Chapters 2-8 of this Ordinance unless specifically exempted by Section 6A-2.8 of this Chapter. All land disturbing activities, whether requiring a permit or otherwise, shall conform to the standards in this Chapter.

2. A separate Grading Permit may not be required where this Ordinance requires another zoning application. As a part of the application for a conditional use permit, interim use permit, subdivision, or variance, the land disturbing activities shall be reviewed in conjunction with the zoning application.

3. Approval of a grading permit shall not waive or void any other applicable permits or approvals by this Ordinance or permits or regulations of other agencies.

4. A grading permit shall not be issued without the applicant first providing a Resource Management Plan, an Erosion and Sediment Control Plan, or a Stormwater Pollution Prevention Plan.

5. Resource Management Plan. A Resource Management Plan, signed by a Professional Engineer, or Licensed Landscape Architect meeting the NPDES requirements of a “trained professional”, shall be required for the following activities unless waived by the Planning Department:

    a. All commercial/industrial subdivisions and all subdivisions of land creating five (5) or more residential lots.

    b. Commercial, industrial, institutional, or recreational land uses that result in the creation of one (1) or more acres of new impervious surfaces, except where a Resource Management Plan for the property has already been completed and approved after March 2, 1996 and the Plan is current and applicable to the proposed project.

    c. Any land disturbing activity within a Shoreland District where one hundred (100) or more linear feet of shoreline will be disturbed (unless waived by the Planning Department).

    d. Any public or private road/highway project which will result in the creation of one or more acres of impervious surface outside of the existing surfaced roadway area.

e. All land disturbing activities resulting in the creation of one (1) or more acres of new impervious surfaces.

f. Any proposed project that is an extension or continuation of a previous project requiring a grading permit under this section will have the number of lots or impervious surfaces total applied cumulatively from the previous five years and the cumulative total will determine if a Resource Management Plan is required. This section shall apply for a period of five years after the official approval of the previous project.

g. Any redevelopment project where the proposed land disturbing activity exceeds 1 acre in size and the existing impervious cover equals or exceeds 15% of the disturbed area.

6. Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan, signed by a professional engineer or licensed landscape architect meeting the NPDES requirements of a "trained professional", shall be required for the following activities unless waived by the Planning Department:

a. All grading activities, which do not require a Resources Management Plan that result in the disturbance of one (1) acre or more of land, imports five-hundred (500) or more cubic yards of material, or a significant change to the existing hydrologic characteristics.

b. All subdivisions of land resulting in four (4) or fewer residential lots.

c. Any filling, draining, or alteration of a natural or artificial stormwater storage or retention area, wetland, or public water.

d. Topographic alteration/grading and filling within a Shoreland District in accordance with Section 70-8-7 of this Ordinance.

e. All grading activities resulting in the disturbance of more than 10,000 square feet of land within a Floodplain.

f. All grading activities resulting in the disturbance of more than 10,000 square feet of land within the Bluff Overlay District as defined on Map 1 of the ~~2009-2018~~ 2019-2026 Scott WMO Comprehensive Water Resource Management Plan dated ~~June 9, 2009~~December 6, 2018, as amended.

g. Except where all site work will be completed in one day and the disturbed area is completely sodded, the installation or repair of individual sewage treatment systems located:
   (1) on steep slopes, or;
   (2) on riparian lots within the Shoreland District, or;
   (3) within the bluff impact zone.

h. All commercial, industrial, institutional and recreational site development disturbing more than 10,000 square feet of land and creating less than one acre of new impervious surface.

i. Public or private road/highway project disturbing one or more acres of land outside of the existing surfaced roadway area and creating less than one acre of new impervious surface.

j. Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connection to these utilities, where one or more acres or one hundred (100) or more lineal feet of shoreline is anticipated to be disturbed.

7. Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan shall be required for the following activities:

   a. All land disturbances ten-thousand (10,000) square feet or greater in size not included in Sections 6A-2.5 and 6A-2.6 above and not specifically exempt in Section 6A-2.8 below.

8. Exemptions. The following land disturbing activities do not require a Grading Permit:

   a. Preparation of land for construction of a single family residence where a Stormwater Pollution Prevention Plan is provided with the application for a Building Permit.

   b. Minor land disturbing activities involving less than ten thousand (10,000) square feet of land area including, but not limited to, home gardens, landscaping, repairs and yard maintenance work unless such work is regulated by the Shoreland, Floodplain, or Bluff Overlay District Ordinances.

   c. Installation and repair of individual sewage treatment systems other than those on steep slopes, on riparian lots within a Shoreland District or in a bluff impact zone.

   d. Agricultural activities including tilling, plowing, discing, drain tiling, and planting activities for agriculture, horticulture, or silviculture

including projects where up to five-hundred (500) cubic yards of material are imported or exported.

e. Installation of fence, sign, telephone, or electric poles and other kinds of posts or poles.

f. Emergency work to protect life, limb, or property and emergency repairs, provided the land area disturbed is adequately shaped and stabilized when appropriate in accordance with the requirements of the Planning Department.

g. Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connection to these utilities, where less than ten thousand (10,000) square feet of land or one hundred (100) lineal feet of shoreline is anticipated to be disturbed, or where fewer than fifty (50) cubic yards of materials are anticipated to be moved in such activities.

h. Minor wetland impacts under 10,000 square feet of cumulative impact (previous and proposed) that have received an approved “no loss” or “exemption” determination from the local government unit administering the Wetland Conservation Act or Minnesota DNR, as amended.

i. All maintenance, repair, resurfacing and reconditioning activities of existing road, bridge and highway systems which do not involve land disturbing activities outside of the existing surfaced roadway area.

j. All projects being completed by or with the cooperation of the Scott Soil and Water Conservation District as part of carrying out its mission.

k. Fill amounts less than 40 cubic yards in the Minnesota River Flood fringe, or for less than 20 cubic yards in other National Flood Insurance Program Flood fringe areas, and other floodplain areas. This does not provide an exemption to Minnesota Department of Natural Resources, or National Flood Insurance Program requirements, or local community requirements that apply in areas covered by the National Flood Insurance Program.

9. Contribution in lieu of physical improvements. If approved by the County, an applicant may also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities that are part of an approved Resource Management Plan that is designed to service multiple land disturbing and development activities

undertaken by one or more persons, including the applicant. If made, this contribution shall be in addition to any standard stormwater development fee that the County may require.

6A-3 GRADING PERMIT INFORMATION REQUIREMENTS

6A-3-1 Resource Management Plan

All activities identified in Section 6A-2.5 require a Grading Permit and a Resource Management Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be signed by a Professional Engineer or Landscape Architect meeting the NPDES requirements of a “trained professional”, drawn to an appropriate scale, and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan.

1. The Resource Management Plan shall include, but not be limited to the following information:

    a. The site plan information outlined in Section 2-10-3 of this Ordinance.

    b. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including installation of construction site erosion control measures needed to meet the requirements of this Ordinance;

    c. Location map with major streets and landmarks;

    d. Project description narrative describing the overall project and the nature and extent of land disturbing activity. The project description shall also identify a project contact person;

    e. A site plan and (if required) vicinity map showing existing drainage flow patterns and receiving water body(ies);

    f. Locations of existing wetlands, public waters and natural or artificial water storage and retention areas, protected waters and their individual 100-year flood elevations and wetland boundaries shall be surveyed and located on the site plan;

g. Soils map showing soil boundaries, including mapping unit, soil name, slopes, hydrologic group, and highlighting areas of hydric soils;

h. 100-year floodplains shall be shown on the site plan, including regulatory floodplains as defined in the floodplain zoning ordinance as well as localized floodplains associated with local stormwater management facilities, ponds, streams and wetlands.

i. Pre-settlement and Developed Drainage Maps which illustrate the existing and proposed sub-watershed boundaries, drainage patterns, and discharge points.

j. Hydrologic calculations for volume runoff, velocities, and peak flow rates for the 2-year, 10-year, and 100-year storm event for both the Pre-settlement and Developed conditions.

k. Normal water level, 100-year high water level and emergency overflow elevations shall be provided on the site plan for all stormwater management facilities, ponds, and wetlands.

l. Ordinary High Water (OHW) levels shall be provided on the site plan for all lakes, streams and DNR Protected Wetlands. Normal water levels shall be provided where an OHW has not been established.

2. The Resource Management Plan shall also include the requirements for the Erosion and Sediment Control Plan detailed in Section 6A-3-2 as well as all of the information necessary to comply with the performance standards identified in the following Sections:

a. Section 6B, Stormwater Management;

b. Section 6C, Erosion and Sediment Control;

c. Section 6D, Wetland Conservation; and

d. Section 6E, Floodplain Alterations; and

e. Section 6F, Bluff Standards; and

f. Section 6G, Watershed Standards

6A-3-2 Erosion and Sediment Control Plan

All activities identified in Section 6A-2.6 require a Grading Permit and an Erosion and Sediment Control Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be signed by a Professional Engineer or Landscape Architect meeting the NPDES requirements of a "trained professional", drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan:

1. The Erosion and Sediment Control Plan shall meet the standards of Parts III and IV for the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, August 1, ~~2013~~2018, as amended, except where more specific requirements are provided in the Chapter.

2. An Erosion and Sediment Control Plan shall include, but not be limited to the following information:

    a. Property location map illustrating the site location relative to adjoining properties and streets;

    b. Site survey illustrating property boundaries, corner monuments, easements, existing and proposed contours, and wetland delineation lines;

    c. Delineation Report and Notice of Application from the Wetland Conservation Act (WCA) LGU on the locations of existing wetlands, public waters, and natural or artificial water storage and retention areas located on-site or adjacent to the land disturbance;

    d. General location of existing and proposed structures including signs;

    e. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including location and description of erosion and sediment control practices;

    f. Project description;

g. Proposed spot site elevations illustrating lot corner elevations, lowest floor elevations, first floor elevations, and garage floor elevations;

h. Critical Erosion or Sedimentation Areas: Describe areas with potential for serious erosion or sedimentation problems;

i. Existing and proposed drainage patterns and drainage areas;

j. Best management practices to minimize the potential for sediment and pollutant discharges from the site;

k. All temporary and permanent stormwater management facilities;

l. Identify construction limits, areas to remain undisturbed, and phased construction areas;

m. Description of the maintenance of all erosion and sediment control practices which address the following:

(1) Efforts to prevent erosion;
(2) Prevention of sediment damages;
(3) Implementation schedule;
(4) Site restoration and landscape efforts.

n. Identify the individual who will be responsible for erosion and sediment control.

3. The Erosion and Sediment Control Plan shall also include all of the information necessary to comply with the performance standards identified in the following Sections:

a. Section 6C, Erosion and Sediment Control;

b. Section 6D, Wetland Conservation; and

c. Section 6E, Floodplain Alterations; and

d. Section 6F, Bluff Standards; and

e. Section 6G, Watershed Standards

6A-3-3 Stormwater Pollution Prevention Plan

All land disturbing activities not identified in Section 6A-2.5 and Section 6A-2.6, and not specifically exempt in Section 6A-2.8, require a Grading Permit and a Stormwater Pollution Prevention Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan:

1. A Stormwater Pollution Prevention Plan shall include, but not be limited to the following information:

    a. Property Survey, Plat Map, Subdivision Drawings, or County Geographical Information System (GIS) based map, illustrating property boundaries, corner monuments, easements, existing and proposed contours, and wetland delineation lines;

    b. Delineation Report and Notice of Application from the Wetland Conservation Act (WCA) LGU on the locations of existing wetlands, public waters, and natural or artificial water storage and retention areas located on-site or adjacent to the land disturbance as determined is necessary by Planning Department staff;

    c. General location of existing and proposed structures including signs;

    d. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including location and description of erosion and sediment control practices;

    e. Project description;

    f. Proposed spot site elevations illustrating lot corner elevations, lowest floor elevations, first floor elevations, and garage floor elevations;

    g. Critical Erosion or Sedimentation Areas: Describe areas with potential for serious erosion or sedimentation problems;

    h. Existing and proposed drainage patterns and drainage areas;

i. Best management practices to minimize the potential for sediment and pollutant discharges from the site;

j. All temporary and permanent stormwater management facilities;

k. Identify construction limits, areas to remain undisturbed, and phased construction areas;

l. Description of the inspection and maintenance of all erosion and sediment control practices which address the following:

(1) Efforts to prevent erosion;
(2) Prevention of sediment damages;
(3) Implementation and inspection schedule;
(4) Site restoration and landscape efforts.

m. Identify the individual who will be responsible for erosion and sediment control.

2. The Stormwater Pollution Prevention Plan shall also include all of the information necessary to comply with the performance standards identified in the following Sections:

a. Section 6C, Erosion and Sediment Control;

b. Section 6D, Wetland Conservation; and

c. Section 6E, Floodplain Alterations; and

d. Section 6F, Bluff Standards; and

e. Section 6G, Watershed Standards

6A-4 REVIEW OF GRADING PERMITS

1. The Planning Department shall review the Grading Permit for determination of the technical adequacy and effectiveness of the proposed plan and its compliance with the performance standards in this Chapter.

2. The Grading Permits shall be reviewed and processed in accordance with Chapter 2-8, Administrative Permits of this Ordinance.

3. No land disturbing activities subject to the requirements of this Chapter shall commence until approval has been given by the County.

6A-5 APPROVAL OF GRADING PERMIT; PERMIT ISSUANCE; FINANCIAL GUARANTEE

1. If the Planning Department determines that the application for a Grading Permit meets the requirements of this Chapter, the Planning Department shall issue a permit valid for 180 days from the date the permit is issued that authorizes the land disturbing activity contingent upon the satisfactory implementation and completion of the approved grading permit. The permit shall reference the specific approved plan or approved revision thereof and shall contain provisions deemed necessary to ensure the maintenance of any permanent or temporary practices.

2. Upon approval of the grading permit, for all projects that require a Resource Management Plan or an Erosion and Sediment Control Plan, the Planning Department shall require the applicant to provide a financial guarantee in the form of a letter of credit or cash deposit in favor of the County equal to one hundred twenty-five (125) percent of site grading, stormwater management, and erosion/sediment control costs necessary to ensure the satisfactory installation, completion, and maintenance of the measures and procedures as required in the approved Grading Permit. The County may allow one security to be held by the Township if agreed to as part of a developer's agreement including the County and allowing the county to approve or deny any requests to reduce or eliminate the security.

3. For all zoning and subdivision applications requiring a Resource Management Plan a minimum $5,000 financial guarantee shall be provided to the County to ensure that the Certificate of Compliance procedures are completed.

6A-6 DENIAL OF GRADING PERMIT

1. If the Planning Department determines that the application for a Grading Permit does not meet the requirements of this Chapter, the Planning Department shall deny the issuance of a permit to the applicant. The applicant may seek to revise the proposed application and reapply for a permit.

6A-7 INSPECTION

1. The Planning Department or County authorized agent may inspect the applicant's progress of implementing the plan required by the permit. If the Planning Department finds that insufficient progress or a non-compliant activity is occurring, the Planning Department shall immediately notify the applicant or landowner of the problem and demand compliance.

If compliance is not followed the County may draw on the financial guarantee to ensure protection of public soil and water resources.

6A-8 CERTIFICATE OF COMPLIANCE

1. After all of the required measures and procedures as described in the application for a Grading Permit have been executed by the applicant, the Planning Department shall conduct a review to ensure that all required measures and procedures have been properly executed by the applicant.

2. Where a Resource Management Plan has been prepared and approved in the issuance of the Grading Permit, the Planning Department shall not conduct its final review until the measures and procedures of the plan have been certified as being completed by a professional engineer, or licensed landscape architect registered in the State of Minnesota.

3. The applicant shall provide the County with “as built” project plans for any application requiring a Resource Management Plan. One (1) full size hardcopy plan set and one (1) set of digital PDF plans shall be submitted to the Planning Department.

4. If the Planning Department determines that the measures required by the Grading Permit has been adequately executed, the Planning Department shall issue a certification of compliance to the applicant and release the remaining financial guarantee collected as outlined in Section 2-12.

6A-9 RESTORATION REQUIRED

1. If the applicant does not implement the requirements of the Grading Permit, the Planning Department may order the applicant to restore the development site, in whole or in part, to compliant conditions as they existed prior to the initiation of the land disturbing activity.

6A-10 MAINTENANCE OF PERMANENT MEASURES

1. The applicant or successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified with the Grading Permit application. At the time of completion of the development, those structures, measures and systems within public easements shall be permanently maintained by the Township after official acceptance by the Township Board.

2. If the County determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates this Ordinance, the owner of the land upon which the land

disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the County, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The owner is responsible for obtaining any necessary permits from the County under this Ordinance before commencing any repairs or restoration.

6A-11 EXPIRATION OF GRADING PERMITS

1. All stand-alone grading permits issued by the County expire 180 days after being issued. The applicant may request an extension in writing that will be considered and approved at the Planning Department's discretion.

2. In the event a grading permit expires prior to final stabilization and restoration of the site, the applicant may be prosecuted for grading activities without a permit and subject to any and all legal actions allowable under this ordinance.

ARTICLE B. STORMWATER MANAGEMENT STANDARDS

6B-1 PURPOSE

The purpose of this Article is to prevent or reduce, to the most practicable extent, the effect or impacts of stormwater runoff within the County and to provide for the protection of natural and artificial water storage and retention areas and public waters. Further, this Article clarifies the performance standards as they pertain to the permit system, including standards and specifications for conservation practices and planning activities, to minimize stormwater runoff damages in order to prevent degradation of water and soil resources.

6B-2 PERFORMANCE STANDARDS

Proper stormwater management shall be followed within the County as described in this Article. The following stormwater management practices shall be used in developing a Resource Management Plan.

1. General Standards:

    a. The need for stormwater management facilities shall be reduced by incorporating or restoring the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

When development density, topographic features, and soil vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

b. Stormwater Rate Control: The Resource Management Plan shall include the design of all stormwater management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary shall not exceed pre-settlement conditions and accelerated channel erosion on and off site will not occur as a result of the proposed land disturbing or development activity. Pre-settlement conditions may include lake or pond outlets that have existed as of the effective date of this Ordinance, and that will be maintained in accordance with Section 4A-10 of this Ordinance. A project may be exempt from the peak discharge rate requirements above if a downstream facility has been designed and constructed to include the discharge rate requirements of the proposed project.

c. ~~Detention Storage for~~ Water Quality: Where a project's ultimate development replaces surface vegetation with one or more acres of cumulative impervious surface and all runoff has not been accommodated in a Watershed District's or County's adopted applicable storm water management plan or practice (i.e. regional ponding) the runoff shall be <u>treated to remove 80% Total Suspended Solids (TSS) on an annual average basis.</u> ~~discharged to a wet sediment pond. The reconstruction or work on existing private or public roadways must comply with this requirement unless specifically exempt under National Pollutant Discharge Elimination System (NPDES) rules.~~

d. Stormwater Volume Control.

(1) For protection of downstream water bodies from channel erosion and nutrient loadings, the applicant shall use the most current Best Management Practices (BMPs) to reduce the general impacts of increased runoff volume.

(2) Development resulting in the creation of impervious surfaces must explicitly address the use of BMPs Best Management Practices to limit the loss of pervious area. BMPs to be evaluated shall include, but not be limited to, vegetated

swales, pond outlets perched above ground water levels, roof drainage to pervious areas, depressed casual storage areas, minimization of the number and width of parking stalls, “rural section” roads and road width minimization, and mitigation of disrupted soils.

e. Prevention of downstream nuisance and damage.

(1) In addition to the general channel protection stormwater volume controls described above, the applicant shall also demonstrate that increased stormwater runoff volumes above pre-settlement conditions will not adversely affect downstream properties or water resources. An assessment of the potential for adverse impacts downstream of site improvements, whether on- or off-site, is required except when the proposed activity, development or redevelopment is less than 20 acres and less than 8 percent of the site is covered by impervious surface, or when the rate control provisions of paragraphs 3(b) and 3(c) of the Rule, as applicable, are met; and the proposed activity, development or redevelopment does not increase runoff volume for the 2-year critical duration event (not including snow melt). To demonstrate that the proposed activity does not accelerate on or off-site erosion, downstream nuisance, flooding or damage, the applicant must complete an evaluation downstream to the point where the proposed activity is 10 percent of the drainage area (e.g. a 10 acre development must evaluate downstream to the point where the drainage area is 100 acres). The evaluation at a minimum must consist of an assessment of:

(2) Potential impacts to areas surrounding landlocked lakes or ponds, or lakes or ponds with inadequate outlets where flood levels would be increased by added runoff volume. The evaluation must include:

(a) An assessment of water levels in the water body resulting from the contributing watershed’s full annual runoff yield during a 100-year wet year using the Simplified Hydrologic Yield Method (SHYM), or more rigorous methods for back to back 100-year critical events, for both existing conditions and fully developed watershed conditions; and

(b) The identification of public and private structures (including low floor and entry elevations of

residences, and subsurface ~~individual~~ sewage treatment systems (SSTS)), and infrastructure (sanitary sewer, stormwater pipes and facilities, and roads) surrounding the water body and located within 2 vertical feet of the future conditions water level elevation predicted using the SHYM, or the elevation for the back to back 100-year critical event.

(c) If there are public or private structures or infrastructure located within 2 vertical feet of the future conditions SHYM, or back to back 100-year critical event elevation, the applicant must demonstrate that no adverse impacts to health, safety and welfare, or property damage, would occur; or provide corrective actions. Corrective actions shall include the following as necessary to mitigate in proportion to the proposed project impact:

(1) Controlling post-development runoff volumes at existing conditions;

(2) Controlling runoff rates to less than pre-settlement rates;

(3) Protecting or re-locating impacted structures or infrastructure, or securing easements for additional flooded areas; or

(4) Other actions necessary to mitigate the impact.

(3) Potential impacts to downstream infrastructure, public and private structures, and erosion along the drainage path and downstream public waters. The evaluation must include:

(a) The identification of existing public and private drainage easements;

(b) The locations, condition, and dimensions of the existing drainage infrastructure;

(c) The location and elevation of structures with low floors, or entries within 2 vertical feet of the 100-year critical storm flood level;

(d) The location and description of known existing flooding problems; and

(e) A hydrologic and hydraulic assessment of flooding impacts of the proposed project on downstream public and private structures.

(f) An assessment of existing and potential watercourse erosion, bank stability, bank protection, and watercourse slope;

(g) An assessment of the hydrologic and hydraulic capacity of the downstream public and private infrastructure;

(h) An assessment of property damages; and health, safety and welfare impacts relative to increased flooding of public and private infrastructure. Minnesota Department of Transportation guidelines shall be used to assess safety of flood levels at downstream driveways and road crossings.

(i) If property damage, erosion, public health, safety and welfare impacts are identified the applicant must provide corrective action. Corrective actions shall include the following as necessary to mitigate in proportion to the proposed project impact:

(1) Actions described in Section 6B-2.1.e (1)(c) of this rule;

(2) Obtaining easements;

(3) The installation of stream bank stability and protection measures;

(4) The upgrading, protecting or re-locating impacted infrastructure; or

(5) Other actions necessary to mitigate the impact.

(4) Potential impacts to wetlands with exceptional vegetative diversity functional value. The evaluation must include:

(a) Delineation and functional assessment of wetlands according to Section 6D-4.4;

(b) A hydrologic and hydraulic analysis of the before and after project water level bounce and period of inundation for wetlands with exceptional vegetative diversity for the 1-year, 2-year and 10-year critical duration events.

(c) The applicant must provide corrective actions that mitigate in proportion to the proposed project impact as specified in the Paragraph below; if the water level bounce and period of inundation created by the storms evaluated in Section 6B-2.1.e(3)(b) of this Chapter exceeds the limit specified in the following table.

(d) Corrective actions shall consist of runoff rate and volume controls necessary to keep the water level bounce and period of inundation within the limits specified in the following table:

Hydroperiod standard	Highly susceptible wetlands	Moderately susceptible wetlands	Slights susceptible wetlands	Least susceptible wetlands
Storm Bounce 1 and 2-year events	Existing	Existing plus 0.5 feet	Existing plus 1.0 feet	No limit
Period of Inundations for 1 and 2-year events	Existing	Existing plus 1 day	Existing plus 2 day	Existing plus 7 day
Period of Inundations for 10-year event	Existing	Existing plus 7 days	Existing plus 14 days	Existing plus 21 days

f. Stormwater facilities must be designed and installed consistent with the current Best Management Practices.

g. The requirements of this Section are intended to be minimal standards for protection of the public interest in protection of soil and water resources. Where design and construction requires the involvement of professional expertise, the standards of this Section shall not define or replace the requirements of professional conduct and practice.

h. The county may approve alternative stormwater practices and methodologies it deems to provide equivalent performance and

protection as compared to the standards outlined within this section.

2. Specific Standards for Stormwater Conveyance and Rate Control Facilities.

   a. All stormwater management calculations submitted for review shall include sufficient information to evaluate the changes to the stormwater drainage characteristics within the watershed areas affected by the proposed land disturbance activity. The applicant shall provide calculations, which clearly show the effects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site. The County may require the Applicant to provide as part of the stormwater management calculations, any additional information or data needed to complete the review.

   b. The stormwater calculations submitted for review shall use standard hydrological and hydraulic analysis methods that are acceptable to the County. Calculations which use unproven methodologies or apply proven methodologies incorrectly shall be determined by the County to be unacceptable for the purposes of this Chapter and shall be returned to the applicant for correction and resubmittal.

   c. Acceptable hydrological methods and procedures to determine peak runoff discharge rates and runoff volumes for all development, except for street and highway pavement drainage systems, shall be the standard methods of the Natural Resources Conservation Service (NRCS) SCS TR 55 and the SCS TR 20 Methods as defined in the current Hydrology Guide for Minnesota.

   d. Precipitation events for the TR 55 and TR 20 Methods shall be for the one (1), two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm events using NOAA Atlas 14 rainfall depths for the project location as found on the Precipitation Data Frequency Server located at http://hdsc.nws.noaa.gov/hdsc/pfds/ and use either a Type II rainfall distribution or an Atlas 14 distribution.

   e. Acceptable hydrological methods and procedures to determine peak runoff discharge rates for street and highway pavement drainage systems, inlet capacities and piped storm sewer systems shall be the Rational Method as defined in the current Minnesota Department of Transportation Drainage Manual.

f. Precipitation events for the Rational Method shall be for the one (1), two (2), ten (10) and one hundred (100) year storm events using the NOAA Atlas 14 rainfall intensity duration frequency (IDF) curves for the South Central Region developed by MnDOT and located at http://www.dot.state.mn.us/bridge/hydraulics/atlas14/atlas14regions/atlas14regions.html

g. Where development site drainage discharges to an existing roadway, ditch or storm sewer system or other public facility, the applicant shall provide as part of the calculations, all survey, utility or other topographic data of the existing condition needed for the County to determine that the proposed development does not impact or degrade any critical roadway element or affect the safety, maintenance and function of the public facility.

h. Drainage Areas. Resource management plans shall show existing and proposed drainage areas used for stormwater analysis, including off-site portions of sub-watersheds that are partly located on the property for which the plan is being prepared. Where drainage areas include runoff from off-site areas, those areas may be shown and measured from maps at larger scales (e.g., United States Geological Survey Quadrangle Maps) if better mapping is not reasonably available.

i. Runoff Curve Numbers (RCNs): Stormwater management plans shall include a detailed breakdown of existing and proposed RCNs used.

j. Pre-settlement conditions: Pre-settlement runoff curve numbers shall be used for all areas undergoing a land use change. The following curve numbers shall be used to analyze pre-settlement conditions:

Hydrologic Soil Group	**Runoff Curve Number**
A	30
B	55
C	71
D	77

k. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained

drainage facilities will be adequate to maintain the drained condition.

l. Impervious Coverage: Stormwater management calculations shall list the new impervious area created in each sub-watershed and shall include the assumptions and calculations used for determining impervious area (house pad, driveway, etc.).

m. Runoff Calculations: The applicant shall provide calculations for two (2), ten (10), and one hundred (100) year peak discharge rates for each subwatershed comparing pre-settlement conditions and proposed conditions. For projects located within the Vermillion River Watershed Joint Powers Organization jurisdiction, the applicant shall provide calculations for the one (1) year peak discharge rate for each subwatershed comparing existing conditions and proposed conditions.

n. Where pre-settlement conditions indicate no runoff, the infiltration capacity required elsewhere in this ordinance may be used to demonstrate compliance with a no-runoff requirement for the storm frequency and duration being considered.

o. The minimum design capacity of all drainage systems shall accommodate the runoff from a ten (10) year storm event. All drainage systems and facilities shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility, downstream areas and/or significant risk to human health and safety.

p. Drainage plans shall show pre-existing drains and tile lines. Stormwater facilities must be designed assuming that tiles will no longer function unless an easement is supplied for future maintenance and the applicant demonstrates that the tile line has design capacity and service condition that make it suitable as a component of the stormwater management system.

q. Drainage plans must evaluate landlocked lakes and ponds in the design analysis and include the water levels of the water bodies resulting from the contributing watershed's full annual runoff yield during a 100-year wet year using the Simplified Hydrologic Yield Method (SHYM) or back to back 100-year critical events for both existing and fully developed watershed conditions.

3. Specific Standards for Wet Detention Basins.

a. All stormwater wet detention ponds shall be designed and constructed in accordance with the W.W. Walker Method (1987) described in the Best Management Practices and provide:

1. A permanent wet pool with dead storage greater than or equal to the runoff from a 2.5-inch storm event;

2. Pond outlets shall be designed to prevent short circuiting of the flow from pond inlets to the outlets;

3. A normal water elevations above the Ordinary High Water (OHW) of adjacent water bodies, or normal water level where the OHW is not established.

4. An outlet skimmer to prevent migration of floatables and oils for at least the 1-year storm event; and

5. Access for future maintenance.

6. Stormwater facilities may also be designed using the methodology in the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, August 1, ~~2008~~2018, as amended~~, section III.C.1~~.

b. Designs for detention basins shall include but not necessarily be limited to calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillway, pond profile and pond cross section.

c. Skimmers shall be included on outlet of wet detention ponds. Construction details of the skimmers shall be shown on the construction plans for the pond.

d. Ground Water Sensitivity: Wet ponds located in areas identified as being highly susceptible to ground water contamination (except ground water discharge areas) shall be designed so that the pond bottom shall be at least three feet above the seasonal high ground water elevation and bedrock and be lined with two (2) feet of soil having a permeability less than 0.3 inches per hour.

4. Specific Standards for Volume Control.

a. Infiltration practices for control of stormwater runoff volume shall be capable of infiltrating a volume of runoff equivalent to the depth of one (1) inch of runoff over the area of all new impervious surfaces within the development within forty-eight (48) hours. This condition may be waived for sites with predominately Type ~~C and~~ D soils, or where a shallow water table prevents construction of infiltration systems, provided the following conditions are met:

(1) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extend practical.

(2) Underdrains are used to promote filtration instead of infiltration.

b. Volume controls shall be greater than the volume of runoff equivalent to the depth of one (1) inch of runoff over the area of all new impervious surfaces if necessary to mitigate downstream impacts in accordance with Section 6B-2-1.e.3.

c. Infiltration volumes and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturated infiltration rates from the Minnesota Stormwater Manual ~~from the table below~~. Documented site specific infiltration or hydraulic conductivity measurements can be used in place of the values in the table if approved by the County. Soil percolation rates may not be used for calculating infiltration rates. The goals of these BMPs are to minimize the amount of directly connected impervious surface created, preserve the infiltration of the soil, and incorporate practices into the design which are capable of infiltrating one (1) inch of runoff from impervious surfaces within forty-eight (48) hours.

~~**Soil Group**~~	~~**Infiltration Rate (inches per hour)**~~	~~**Soil Texture**~~
~~A~~	~~0.3~~	~~Sandy, loamy sand, or sand loam~~
~~B~~	~~0.15~~	~~Silt loam or loam~~
~~C~~	~~0.07~~	~~Sandy clay loam~~

~~Source: Urban Hydrology for Small Watersheds (SCS, June 1986)~~

d. Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting.

e. Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.

f. New constructed stormwater outfalls to any public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

g. Before infiltrating runoff, pretreatment shall be required ~~for parking lot runoff and for runoff from new road construction that will enter the infiltration system~~. The pretreatment shall be designed to protect the infiltration system from clogging and to protect groundwater quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips. To minimize potential groundwater impacts it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollution source areas such as parking lots.

h. Infiltration systems must be designed to bypass higher flows.

i. Infiltration areas must be fenced or otherwise protected from disturbance before the land disturbing activity starts.

j. Constructed infiltration practices, such as infiltration ponds and trenches, as the best management practice for volume control shall be avoided by using other appropriate volume control practices, credits, or areas of project sites, and shall not be used:

(1) For runoff from fueling and vehicle maintenance areas,

(2) On areas with less than 3 feet vertical separation from the bottom of the infiltration system to the elevation of seasonal high groundwater or top of bedrock,

(3) For areas with runoff from industrial, commercial and institutional parking lots and roads where there is less than 5 feet separation from the bottom of the infiltration system to the elevation of the seasonal high groundwater,

(4) On areas with Type D soils.

(5) Where Industrial facilities are not authorized to infiltrate stormwater under an NPDES/SDS Industrial Stormwater Permit from the MPCA.

(6) Where high levels of contaminants in the soil and or groundwater will be mobilized by infiltrating stormwater.

(7) Areas within 1000 feet up-gradient and 100 feet down-gradient of active karst features.

(8) Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.

j. ~~The volume required for infiltration practices may be reduced by using stormwater volume credits. The credits outlined in the 2009-2018 Scott Watershed Management Organization's (WMO) Comprehensive Water Resource Management Plan Standards, adopted June 9, 2009, as amended, may be applied.~~

j. Infiltration basins shall be located more than 35 feet from a septic drainfield, unless a mounding analysis confirms that the drainfield will not be impacted by the infiltration practice.

5. Specific standards for areas of moderate or high susceptibility to ground water contamination or are located within a Drinking Water Supply Management Area (DWSMA) as defined in Minnesota Rule 4720.5100, subp. 13.

a. Infiltration areas shall have either natural undisturbed soil or be lined with at least two feet of soil with a permeability of ~~5 minutes per inch~~ 8.3 inches per hour or slower.

b. Infiltration areas shall be at least three feet above the seasonal high ground water elevation and bedrock.

c. Constructed infiltration practices in areas of medium or high groundwater susceptibility shown on Map 5 of the Scott WMO Comprehensive Water Resource Management Plan adopted ~~June 9, 2009~~ December 6, 2018, as amended; and within 400 feet of a community water system or within 100 feet of a private well shall have pretreatment of runoff unless otherwise specified in an approved Wellhead Protection Plan.

6. Specific Standards for Redevelopment.

a. Redevelopment is anytime a parcel exceeds 15% impervious coverage and the proposed land disturbing activity exceeds 1 acre in size.

b. All new impervious surfaces added to the site must meet the volume control standards outlined in section 6B-2.4

c. Additional volume control to reduce the total volume of stormwater leaving the site from the existing impervious surfaces must also be provided in addition to the volume required under section 6B-2.4.

ARTICLE C. EROSION AND SEDIMENT CONTROL STANDARDS

6C-1 PURPOSE

The purpose of this Article is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects within the County and to provide for the protection of natural and artificial water storage and retention areas and public waters.

6C-2 PERFORMANCE STANDARDS

Proper erosion and sediment control practices shall be followed within the County as described in this Article. All land disturbing activity, whether or not a permit is required, shall adhere to the following performance standards:

1. General Standards.

   a. No land owner or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation or which results in damages to water or soil resources or off-site impacts.

   b. All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation.

   c. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of the development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time.

   d. Erosion and sediment control measures shall meet the standard for the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit

Program Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, August 1 ~~2003~~2018, as amended; except where more specific requirements are provided in Section 6C-2.2 of this Chapter below.

e. All erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity, and shall not be removed without County or Township approval or approval of a Certificate of Compliance pursuant to Section 6A-8 of this Chapter.

2. Specific Standards.

a. No land disturbing activity shall cause active gully erosion or negative off-site impacts.

b. No land disturbing activity shall cause an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.

c. No land disturbing activity shall cause the creation of unstable slopes persisting after the completion of the development.

d. Permanent or temporary soil stabilization must be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, not to exceed the time frames provided in the NPDES General Construction Permit ~~Part IV.B.2~~. BMPs for soil stabilization should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

e. The Erosion and Sediment Control Plan and construction specifications shall define specifications and rates for landscaping, grass seed, fertilizing, mulch anchoring methods and time requirements for permanent seeding.

f. Soil stockpiles must be stabilized or protected with sediment trapping measures to prevent soil loss. This includes temporary soil stockpiles. These stockpiles cannot be placed in any natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.

g. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.

h. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.

i. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt curtains or hay bales), and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within fifteen (15) days of installation.

j. Stormwater runoff from drainage areas with more than five (5) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility. The basins must be designed and constructed according to the standards in the NPDES General Construction Permit ~~Park III.B~~.

k. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Slopes which are not vegetated within one (1) year of construction must be provided with additional slope stabilizing measures by the applicant until the problem is corrected.

l. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff.

m. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 10-year frequency storm without erosion.

n. Rip rap shall be placed at culvert outfalls in accordance with MnDOT standard specifications.

o. All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

p. Construction vehicles and equipment shall be kept out of watercourses to the extent possible.

q. The construction of non-exempt underground utility lines shall be subject to the following criteria:

(1) No more than five hundred (500) feet of trench are to be opened at one time unless approved by the Planning Department.

(2) Where consistent with safety and space consideration, excavated material is to be placed on the uphill side of trenches.

(3) Trenched watering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.

r. Wherever construction vehicle access routes intersect paved public roads, provisions must be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface such as rock construction entrances. The rock construction entrances will be limited to one access per site whenever possible.

s. The applicant shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with best management practices, and in conformance with the maintenance requirements in the NPDES General Construction Permit. The applicant is responsible for the operation and maintenance of temporary erosion prevention and sediment control BMPs for the duration of the construction work at the site. The applicant is responsible until the site has undergone final stabilization as defined in NPDES General Construction Permit ~~Appendix B~~, and has received an approved Certificate of Compliance in accordance with Section 6A-8 of this Chapter. After the required vegetation density cover has been met, all synthetic and structural erosion prevention and sediment control BMPs need to be removed and disposed of properly before final stabilization has been met.

t. Erosion and sediment control measures shall be consistent with Best Management Practices (BMPs), and shall be sufficient to retain sediment on-site.

u. If the land disturbing activity is taking place on a site where the soils are already disturbed (e.g. a tilled agricultural site that is being developed), areas that will not be disturbed as part of the development and areas that will not be disturbed according to the time frames and slopes specified in the NPDES General Construction Permit ~~Part IV.B.2~~ shall be seeded with temporary or permanent cover before commencing the proposed land disturbing activity.

v. All areas previously used in agricultural production must be vegetated using permanent vegetation for any land undergoing a land use change from agricultural production.

w. Any construction activities occurring on agricultural land that will stay in agricultural land after construction activities have commenced is to be returned back to a cultivated state at minimum before the site has achieved final stabilization.

x. All temporary BMPs shall be removed and disposed of properly within 30 days of no longer providing erosion prevention or sediment capturing purposes.

ARTICLE D. WETLAND CONSERVATION

6D-1 PURPOSE

The County finds that wetlands serve a variety of beneficial functions. Wetlands maintain water quality, reduce flooding and erosion, provide food and habitat for wildlife, provide open space, and are an integral part of the County's environment. Wetlands are important physical, educational, ecological, aesthetic, recreational and economic assets to the County. They are critical to the County's stormwater management and other aspects of health, safety and general welfare. Regulating wetlands and the land uses around them are therefore in the public interest.

6D-2 LOCAL GOVERNMENT UNIT (LGU)

In all the unincorporated areas of the County, each individual Town Board has accepted the responsibility to act as the Local Government Unit (LGU) to implement the Wetland Conservation Act of 1991, as amended, and the accompanying rules of the Minnesota Board of Water and Soil Resources. The Planning Department shall notify permit applicants to contact their LGU for the requirements of the Wetland Conservation Act.

6D-3 REGULATION

1. No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland or public waters wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity.

2. For any parcel created or redeveloped after the effective date of this

Ordinance, a buffer shall be maintained around the perimeter of all wetlands and public waters wetlands. The buffer provisions of this Chapter shall not apply to any parcel of record as of the amended date of this Ordinance until such parcel is subdivided or developed.

3. The buffer portions of this Chapter do not apply to any wetland or public waters wetland with a surface area equal to or less than the area of wetland impact allowed without replacement as de-minimus under the Wetland Conservation Act (WCA), and to those portions of wetlands that will be filled under approved wetland replacement plans per the Wetland Conservation Act (WCA).

6D-4 CRITERIA

1. Any drainage, filling, excavation or other alteration of a public waters wetland or wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the WCA, and regulations adopted thereunder.

2. A public waters wetland or wetland may be used for stormwater storage only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.

3. Wetland replacement/mitigation siting must follow the priority order below:

   a. Mitigation on-site

   b. Mitigation within the same subwatershed

   c. Mitigation within the WMO boundary

   d. Mitigation within Scott County

   e. Mitigation within the same major watershed.

3. A wetlands functional assessment for vegetative diversity will be completed with each wetland, and public waters wetlands, delineated for a project and buffers established according to the following table. The functional assessment and wetland rankings will be determined using the Minnesota Routine Assessment Method version 3.0 (MnRAM 3.0, as amended). Rankings are summarized as follows.

Buffer Requirement	Exceptional	High	Medium	Low	Stormwater Ponds
Average Buffer Width	65 feet	50 feet	35 feet	25 feet	0
Minimum Buffer Width	25 feet	25 feet	25 feet	25 feet	0*

**Must have a building setback of 10 feet from delineated edge of wetland and elevated as necessary to meet provisions of paragraph 3(1) of Rule D.*

"Exceptional" Wetland – are wetlands assigned the exceptional rating using MnRAM 3.0 for evaluating wetland functions. These wetlands are most susceptible to human impacts, are most unique, have the highest community resources significance such as rare species habitats, and similar characteristics.

"High" Wetland – are wetlands assigned the high rating using MnRAM 3.0 for evaluating wetland functions. These wetlands are relatively undisturbed but exhibit evidence of more disturbance or degradation than Exceptional wetlands. High wetlands have conditions and functions that are susceptible to human impacts, are connected to other wetlands or watercourses, and may contain locally significant or rare wetland types.

"Moderate" Wetlands – are wetlands assigned a moderate rating using MnRAM 3.0 for evaluating wetland functions. These wetlands typically provide a diversity of habitats, and are connected to other wetland or upland habitats to provide wildlife habitat.

"Low" Wetlands – are wetlands assigned a low rating using the MnRAM 3.0 for evaluating wetland functions. These wetlands tend to be less susceptible to further impacts than the other wetland management classifications. They also have low diversity and connectivity to other wetlands and watercourses.

Stormwater Ponds – are designated strictly for treating and retaining stormwater.

5. All structures shall have a minimum set-back of 35 feet from the delineated edge of wetlands ~~and public waters wetlands~~.

6. The first 25 feet of buffer as measured from the wetland or public waters wetland cannot be disturbed during project construction (i.e., cleared or graded, except for temporary disturbances for public roads and utility construction) and must be protected from disturbance with temporary fencing prior to construction. Vegetation can be replaced and site soils preparation work completed within this first 25 feet if necessary to

establish acceptable vegetation in accordance with ~~Paragraph 3(h)~~ section 6D-8 of this Rule.

7. Buffers shall apply whether or not the wetland or public waters wetland is on the same parcel as a proposed development. An applicant is required to delineate the boundary for any wetland or public waters wetland on the project land. An applicant shall not be required to delineate wetlands on adjacent property, but must review available information to estimate the wetland boundary.

8. Buffer vegetation shall be established and maintained as follows:

   a. Where acceptable natural vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer has acceptable natural vegetation if it:

      (1) Has a continuous, dense layer of perennial grasses that has been uncultivated or unbroken for at least 5 consecutive years; or

      (2) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or

      (3) Contains a mixture of the plant communities described in ~~Paragraphs 3(h)(1)(aa) and 3(h)(1)(bb) of this Rule above~~ section 6D-8.c that has been uncultivated or unbroken for at least 5 years.

   b. Notwithstanding the performance standards set forth in Section 6D-4.8 of this Chapter, the County may determine existing buffer vegetation unacceptable if:

      (1) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge or noxious weeds; or

      (2) It has topography that tends to channelize the flow of runoff; or

      (3) For some other reason it is unlikely to retain nutrients and sediment.

   c. Where buffers are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer plantings must

be identified on the permit application. The buffer landscaping shall comply with the following standards:

(1) Buffers shall be planted with a seed mix approved by MnDOT, BWSR, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye.

(2) The seed mix shall be broadcast according to MnDOT, BWSR, NRCS or SWCD specifications of the selected mix. The annual nurse cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT, BWSR, or NRCS seed mix selected for permanent cover shall be appropriate for the soil site conditions and free of invasive species.

(3) Native shrubs may be substituted for forbs with prior approval from the County. Such shrubs may be bare root seedlings and shall be planted at a rate of sixty (60) plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.

(4) Native prairie grasses and forbs shall be planted using a method approved by the County prior to planting or seeding.

(5) No fertilizer shall be used in establishing new filter strips, except on highly disturbed sites when deemed necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.

(6) All seeded areas shall be mulched immediately with clean straw at a rate of one and one-half (1.5) tons per acre. Mulch shall be anchored with a disk or tackifier.

(7) Buffers (both natural and created), shall be protected by silt fence during construction and the fence shall remain in place until the area crop is established.

d. Buffer vegetation shall be established and maintained in accordance with the requirements of section 6.D-8 ~~found in this Paragraph 3(h)~~ of this Rule. During the first 2 full growing seasons, the owner must replant any buffer vegetation that does not survive. The owner shall be responsible for reseeding/or replanting if the

buffer changes at any time through human intervention or activities. At a minimum the buffer must be maintained as a “no mow’ area.

9. When a buffer is required the applicant shall, as a condition to issuance of a permit:

   a. Submit to the County for its approval a conservation easement for protection of approved buffers, or include the buffer in a dedicated outlot as part of platting and subdivision approval. The easement shall describe the boundaries of the wetland or public waters wetland and buffer, identify the monuments and monument locations, and prohibit any the alterations set forth in Paragraph 3(j) of this Rule below and the removal of the buffer monuments within the buffer, wetland, or public waters wetland. Outlot descriptions shall provide for an equivalent level of protection of the buffer and prohibit any alterations set forth in 6D-4.10 of this Rule below.

   b. File the approved easement for record and submit evidence thereof to the County, or complete preliminary and final plats including dedicated outlot(s); and

   c. Install the monumentation required by 6D-4.12 of this section.

10. Subject to Section 6D-4.11 of below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.

11. The following activities shall be permitted with any buffer, and shall not constitute prohibited alterations under Section 6D-4.10 above:

   a. Use and maintenance of an unimproved access strip through the buffer, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights;

   b. Placement, maintenance, repair or replacement of public roads, and utility and drainage systems that exist on creation of the buffer or are required to comply with any subdivision approval or building permit obtained from the County, so long as any adverse impacts of public road, utility and drainage systems on the function of the buffer have been avoided or minimized to the extent practical;

c. Construction, maintenance, repair, reconstruction or replacement of existing and future public roads within a buffer, so long as any adverse impacts of the road on the function of the buffer have been avoided or minimized to the extent practical.

d. ~~Individual~~ Subsurface Sewage Treatment Systems (SSTS) may be constructed within a buffer but outside the 35 foot ~~structure~~ setback from the delineated edge of the wetland as long as the vegetation growing on the system is maintained in accordance with ~~Paragraph 3(h)~~ Section 6D-8 of this Rule, and the system otherwise meets County and State rules for SSTS systems.

e. Clearing, grading and seeding is allowed if part of an approved Wetland Replacement Plan.

12. Buffers shall be monumented to clearly designate the boundaries of all buffers within new residential developments. A monument shall be required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer. Additional monuments shall be placed as necessary to accurately define the edge of the buffer. A monument shall consist of a post and a buffer sign. The signs shall be obtained from the Scott County and include warnings about fines for disturbing and/or developing buffers. The signs shall be a minimum of 5 inches wide by 7 inches vertical, have a brown field with white lettering, and shall be securely mounted on a post to a minimum height of 4 feet above grade.

13. Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.

6D-5 WETLANDS, DNR PROTECTED

All protected wetlands in the unincorporated areas shown on the Protected Waters Inventory Map for Scott County, shall be subject to the following requirements, except as otherwise stated in this Ordinance:

1. The lowest floor elevation of buildings shall be placed above the greater of three (3) feet above the ordinary high water level of DNR protected wetlands or one (1) foot above the one hundred (100) year flood elevation.

2. Structures shall maintain a seventy-five (75) foot setback from the ordinary high water level. If an ordinary high water level has not been determined

for a DNR Protected Wetland, the setback shall be measured from the delineated boundary of the wetland.

3. ~~Individual~~ Subsurface Sewage Treatment Systems (SSTS) shall maintain a fifty (50) foot setback from the ordinary high water level. If an ordinary high water level has not been determined for a DNR Protected Wetland, the setback shall be measured from the delineated wetland boundary.

ARTICLE E. FLOODPLAIN ALTERATIONS

6E-1 PURPOSE

The purpose of this article is to provide guidance for managing local floodplain areas to maintain critical 100-year flood storage volumes and to assure that new structures are constructed above the flood-prone areas to avoid causing an increase in the critical flood levels that could affect both the new construction and nearby structures.

6E-2 REGULATION

No person or political subdivision shall alter or fill land, or build a structure, below the 100-year critical flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the Planning Department.

6E-3 CRITERIA

1. Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the water body to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows. Fill amounts less than 40 cubic yards in the Minnesota River Flood fringe, or for less than 20 cubic yards in other National Flood Insurance Program Flood fringe areas, and other floodplain areas do not require a permit. This does not provide an exemption to Minnesota Department of Natural Resources, or National Flood Insurance Program requirements, or local community requirements that apply in areas covered by the National Flood Insurance Program.

2. A land disturbing activity within a floodplain may require a grading permit in accordance with Section 6A-2 of this Chapter.

3. An activity that alters or fills a wetland within a floodplain may require a grading permit in accordance with Section 6A-2 of this Chapter as well as applicable wetland permits in accordance with the Wetland Conservation Act.

ARTICLE F. BLUFF STANDARDS

6F-1 PURPOSE

The purpose of this section is to protect adjacent property, structures, and landowners from potential damages as a result of destabilizing steep slopes identified as bluffs.

6F-2 REGULATION

1. No person shall develop, redevelop, or commence land disturbing activities on bluffs located in the Bluff Overlay District without protecting adjacent property and water bodies from erosion, sedimentation, flooding, or other damage.

6F-3 CRITERIA

1. Minimum Bluff Standards: Any land disturbing activity, development or the redevelopment of land in a Bluff Overlay District shown on "Map 1: Bluff Overlay District of the Scott WMO" as included in the ~~2009-2018~~ 2019-2026 Scott WMO Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended shall require a topographic survey to determine if a bluff is present. At its discretion, the County may waive the topographic survey requirement where a review of the available contour information clearly indicates a bluff is not present. The standards below only apply to those areas as identified on Map 1: Bluff Overlay District of the Scott WMO as included in the ~~2009-2018~~ 2019-2026 Scott WMO Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended. Where bluffs are present, the following standards shall apply:

   a. All grading, clear cutting, and/or other land disturbing activities are prohibited in the Bluff Impact Zone and/or Bluff Face.

   b. Selective removal of vegetation is allowed with an approved plan, prior approval from Scott County, or when deemed reasonable and meet criteria outlined in 6F-3.1a. Examples of this include but are not limited to: plantings that enhance the natural vegetation or the selective clearing of noxious, exotic or invasive vegetation or the pruning of trees or vegetation that are dead, diseased or pose similar hazards.

   c. All structures shall be set back a minimum of ~~30~~ 50 feet from the top of bluff on all new lots or parcels created after the date of this ordinance adoption. Agricultural buildings shall be set back a minimum of 30 feet from the top of bluff.

d. All ~~Individual~~ Subsurface Sewage Treatment Systems and Community Sewage Treatment Systems (SSTS or CSTS) shall be set back a minimum of 50 feet from the top of bluff.

e. All storm water ponds, swales, infiltration basins, or other soil saturation-type features shall be set back a minimum of 50 feet from the top of bluff.

2. The following activities shall be permitted within the Bluff Face, and shall not constitute prohibited activities under Section 6F-3.a, 6F-2.1, 6F-4:

(1) Maintenance, repair or replacement of public roads and utility and drainage systems that exist on creation of the Bluff Overlay District.

(2) Disturbances that are part of an LGU approved plan to repair, grade, or re-slope existing bluff faces that are eroding or unstable as necessary to establish stable slopes and vegetation.

(3) Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that is dead, diseased or pose similar hazards.

6F-4 EXCEPTIONS

1. Mining activities shall be exempted from Section 6F-3 provided that:

a. An extractive use site development and restoration plan is developed, approved by the local government, and followed over the course of the project;

b. The mining operation is conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation;

c. The landowner complies with all other applicable state and local regulations governing mining.

2. Disturbances, grading, or re-grading of abandoned mine slopes necessary to establish stable slopes and vegetation are exempt from Section 6F-3.

3. For the purposes of constructing Public Improvement Projects, land disturbances in the Bluff Impact Zone and Bluff Face may be permitted providing the project

Proposer demonstrates an appropriate need for these activities to occur and that avoidance and minimization sequencing was followed.

4. Maintenance, repair, or replacement of public roads and utility and drainage systems that exist on creation of the Bluff Overlay District.

5. Disturbances that are part of an LGU approved plan to repair grade or re-slope existing bluff faces that are eroding or unstable as necessary to establish stable slopes and vegetation.

6. Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic or invasive vegetation or the pruning of trees or vegetation that are dead, diseased or poses similar hazards.

ARTICLE G. WATERSHED STANDARDS

6G-1 PURPOSE

The purpose of this article is to provide for the implementation of the goals and policies of the various watershed management organizations that operate within the County. This includes the goals and policies of the ~~2009-2018~~ 2019-2026 Scott WMO Organization Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended, and water resource management plans prepared by the Lower Minnesota River Watershed District, the Prior Lake – Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organization, as amended.

6G-2 REGULATION

1. All activities requiring a permit under this chapter must also meet the minimum standards of the watershed management organization in which the activity is located.

2. If an activity is located within the political boundaries of the Scott Watershed Management Organization, the minimum standards of the WMO as laid out in the ~~2009-2018~~ 2019-2026 Scott WMO Organization Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

3. If an activity is located within the political boundaries of the Prior Lake – Spring Lake Watershed District, the minimum standards of the District as laid out in the Prior Lake Spring Lake Watershed District Rules, adopted August 12, 2003, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

4. If an activity is located within the political boundaries of the Lower Minnesota River Watershed District, the minimum standards of the District as laid out in the ~~1999~~ 2018-2027 Lower Minnesota River Watershed District Management Plan adopted October 24, 2018, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

5. If an activity is located within the political boundaries of the Vermillion River Watershed Joint Powers Organization, the minimum standards of the District as laid out in the Vermillion River Watershed Joint Powers Organization Standards, as adopted ~~May 27, 2010~~ June 23, 2016, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

6G-3 CRITERIA

1. As identified in section 6G-2, all land disturbing activities must meet the minimum standards of the local watershed management authority when the County deems the watershed regulations to be more stringent than County Ordinance.

2. For areas located within the Vermillion River Watershed Joint Powers Organization, the following specific standards will also apply:

    a. Resource Management Plans required under section 6A-3-1 must also analyze the 1-year storm peak discharge rates for existing and proposed conditions. The peak discharge rates from this event must not exceed the existing discharge rates from the project site.

    b. Development that creates one acre or more of new impervious area must incorporate volume control practices into the design sufficient to prevent an increase in the runoff volume for the 2-year 24-hour storm above pre-development conditions. This condition may be waived for sites with predominately Type ~~C and~~ D soils, or where a shallow water table prevents construction of infiltration systems, provided the following conditions are met:

        (1) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extent practical.

        (2) Underdrains are used to promote filtration instead of infiltration

    ~~c. The stormwater volume credits identified in Section 6B-2.4.j are replaced with the stormwater volume credits identified in the Vermillion River Watershed Joint Powers Organization Standards, adopted May 27, 2010, as amended.~~

    d. Projects located within the VRWJPO must also comply with the requirements identified in the VRWJPO Rules and with the buffer

standards adjacent to major waterways as identified on Map 1, attached to the VRWJPO Rules, March 9, 2007, as amended. The buffer and conservation easements required are summarized in the following table:

Classification	Buffer Width Standard
Conservation Corridor	Lower Reach (Vermillion River Downstream of Biscayne Avenue) – 150 foot average, 100 foot minimum measured from the edge of the meander belt of the river. Upper Reach (Vermillion River upstream of Biscayne Avenue and South Branch Vermillion River) – 150 foot average, 100 foot minimum, measured from the edge of the meander belt of the river.
Aquatic Corridor – Principal Connector	Required buffer width 100 foot average, 65 foot minimum measured from the edge of the meander belt of the river.
Aquatic Corridor – Principal Connector with Trout Stream Designation	100 foot, no averaging, as required by the General Permit to Discharge Stormwater Associated with Construction Activity under the National Pollution Discharge Elimination System/State Disposal System Program Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, August 1, 2003.
Aquatic Corridor – Tributary Connector	50-foot average, 35-foot minimum: plus 2 feet for every 1 percent of slope measured from the meander belt of the tributary.
Water Quality Corridor	30-foot average, 20-foot minimum where there is a flow

	path for concentrated surface runoff measured from the centerline of the flow path.

ARTICLE H. ILLICIT DISCHARGE AND CONNECTION

6H-1 PURPOSE

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Scott County through the regulation of non-storm water discharges to the urban or rural storm drainage system to the maximum extent practicable as required by state and federal law. This article establishes methods for controlling the introduction of pollutants into a municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this article are to regulate the contribution of pollutants to the MS4 by storm water discharges by any user; to prohibit illegal discharges and illicit connections to the MS4; and to establish legal authority to carry out all enforcement procedures necessary to ensure compliance with this ordinance.

6H-2 DEFINITIONS

For the purposes of this article, the following terms shall mean:

Illegal Discharge – Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 6H-4 of this article.

Illicit Connections – Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system.

Municipal Separate Storm Sewer System (MS4) – The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by MS4 Townships and the County Road system in the Urban Area as defined by the MPCA and designed or used for collecting or conveying storm water, and this is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit – A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Non-Storm Water Discharge – Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant – Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals; animal wastes, wastes or residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

6H-3 APPLICABLILITY

This article applies to all water entering the storm drain system generated on any developed and undeveloped lands in the MS4 Townships and County Road system in the Urban Area as defined by the MPCA.

6H-4 PROHIBITION OF ILLEGAL DISCHARGES

1. No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

2. The following discharges are exempt from prohibitions established in this section; water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration and pumped ground water, discharges from potable water sources, foundation drains, air conditions condensation, irrigation water, springs, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and discharges or flow from firefighting as necessary to protect public health and safety.

3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, wavier, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

6H-5 PROHOBITION OF ILLICIT CONNECTIONS

1. The construction, use, and maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. A person is considered in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

3. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system, the sanitary sewer system, or other authorized disposal system.

6H-6 VIOLATIONS AND ENFORCEMENT

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions and penalties outlined Chapter 2, Section 13 of this Zoning Ordinance.

In the event the violation constitutes an immediate danger to the public health or safety and declared a public health nuisance, the County shall abate the violation and the costs of abatement may be assessed against the property where the health nuisance is found.

ARTICLE I. DRAINAGE ALTERATIONS

6I-1 REGULATION

No person or political subdivision shall artificially drain surface water, nor obstruct or redirect the natural flow of runoff where the drainage area exceeds 50 acres, so as to affect a drainage system established under Minnesota Statutes, Chapter 103E, or harm the public health, public safety and the public general welfare of the Scott County, without first obtaining a permit from the Planning Department.

6I-2 CRITERIA

The applicant for a drainage alteration shall:

1. Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:

    a. There is a reasonable necessity for such drainage alteration;

    b. Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;

c. The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden;

d. That downstream impacts have been controlled or mitigated according to Article B section 3.

e. The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.

2. Provide a hydraulic design which complies with Articles D and E, and if the alteration involves a landlocked basin, the alteration must comply with Standard D paragraph 2(i) for outlets from landlocked basins.

3. Provide a stable channel and outfall.

6I-3 EXCEPTIONS

1. No permit shall be required under this Standard for the alteration of drainage in connection with the use of land for agricultural activities.

2. The LGU or the Scott WMO (if permitting has defaulted to the WMO) may waive the requirement of Paragraph 2(a)(4) of this Standard above if the applicant submits easements or other documentation in form acceptable to the LGU or Scott WMO (if permitting has defaulted to the WMO) evidencing the consent of the owner of any burdened land to the proposed alteration. Such easements or other documentation shall be filed for record and evidence thereof submitted to the LGU or Scott WMO (if permitting has defaulted to the WMO).

CHAPTER 7: SPECIALTY HOUSING

7-1 PURPOSE

The purpose of this Chapter is to establish performance standards for residential uses that operate beyond the scope of traditional housing. These standards should be applied to ensure that these specialty housing uses are reasonably compatible with their surrounding environment.

7-2 BED AND BREAKFAST ESTABLISHMENTS

7-2-1 Conditions of Approval

In addition to general procedures, standards and criteria provided in this Ordinance, a bed and breakfast establishment may be allowed in applicable zoning districts provided that:

1. A maximum of six (6) bed and breakfast units may be established in a structure.

2. The facility shall have a state license (hotel and food), and comply with building and fire codes as may be required or applicable.

3. The facility shall be owner or manager occupied.

4. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet and shall be located on a lot which meets the minimum lot size of the district in which it is located.

5. All bed and breakfast units shall be established within the principal structure.

6. Not more than the equivalent of one (1) full time person shall be employed by the bed and breakfast facility who is not a resident of the structure.

7. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.

8. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit. Parking areas shall be screened and landscaped pursuant to Chapter 4 of this Ordinance.

9. Not more than one (1) identification sign not exceeding twelve (12) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally illuminated or lighted between 10:00 PM and 6:00 AM.

10. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes.

7-3 MOBILE HOMES

7-3-1 Mobile Home for Full Time Farm Employment

In addition to general procedures, standards and criteria provided in this Ordinance, a mobile home for full time farm employment may be allowed in applicable zoning districts providing the following:

1. The farm has a minimum of eighty (80) acres and is being actively farmed.

2. At least one occupant of the mobile home and farm home shall work a minimum of forty (40) hours per week in the agricultural operation.

3. The mobile home shall be located on the farm with the principal residence.

4. The applicant shall submit with the application, and annually thereafter, a signed statement certifying that the occupant of the farm related mobile home has and will be employed on the farm at least 40 hours per week.

5. The mobile home shall be removed from the site within sixty (60) days after it ceases to be farm related under the criteria of (1) above.

6. The mobile home shall not be made a permanent structure.

7. An individual sewage treatment system shall be installed in accordance with Scott County Individual Sewage Treatment System Ordinance No. 4 and applicable State laws, as amended.

8. The applicant shall demonstrate the need for the farm related mobile home.

9. The permit shall be reviewed every two (2) years by the Township Board for compliance. The Township Board shall report the status of the permit to the Planning Department.

7-3-2 Mobile Home for Infirmed Family Member

In addition to general procedures, standards and criteria provided in this Ordinance, a mobile home for infirmed family members may be allowed in applicable zoning districts under the following conditions:

1. The parcel of property shall be a minimum of ten (10) acres in size and must have a permanent residence existing on the property.

2. The mobile home shall be occupied by an infirmed family member of the owners and residents of the parcel of property. For the purpose of this Section, the term "infirmed" shall mean "being of such state of mind or body as to require assistance in maintaining oneself."

3. The mobile home shall be removed from the property within sixty (60) days after the mobile home is vacated by the person or persons for whom the interim use was granted.

4. Any funds expended by the County in the removal of the mobile home shall be paid by the owners of the property on which the interim use has been granted.

5. A letter shall be signed and submitted by a licensed medical doctor certifying that the person or persons who will be occupying the mobile home are infirmed.

6. The mobile home shall meet all setback requirements of the zoning district, including individual sewage treatment system setbacks. A common sewage treatment system and common water system may be used upon proof to the Planning Department that these systems are adequate for the additional use proposed.

7. Additional conditions may be recommended by the Planning Advisory Commission and imposed by the County Board.

7-3-3 Mobile Home While Building a Home

In addition to general procedures, standards and criteria provided in this Ordinance, a mobile home while building a single family dwelling may be allowed in applicable zoning districts for a period of six (6) months under the following conditions:

1. The issuance of a building permit for a permanent residential home has been issued.

2. The mobile home shall be occupied by the property owner of the building site parcel during construction.

3. The mobile home shall be located on the same tract as approved for the building permit.

4. The mobile home shall be connected to the individual sewage treatment system as well as approved in the building permit application.

5. The applicant shall provide a five thousand dollar ($5,000.00) financial guarantee to insure the prompt removal of the mobile home. The mobile home shall be removed from the property within thirty (30) days of issuance of the certificate of occupancy for the new home.

6. The applicant shall show proof of financial assurance before approval of the interim use permit.

7. If a residential dwelling becomes uninhabitable through fire, natural disaster, or occurrence uncontrollable by the owner, a temporary permit may be granted by the County Board for up to forty-five (45) days. The applicant is still required to apply for an interim use permit. The temporary permit does not mean the interim use permit will be granted.

7-4 ACCESSORY DWELLING UNITS

7-4-1 Purpose

The purpose of this Section is to allow accessory dwelling units to provide additional housing opportunities for large or extended families, family members infirmed or with disabilities, caregivers, and/or elderly family members with a need for semi-independent living situations. Accessory dwelling units have been found to be a compatible secondary or subordinate use to Single Family Dwellings that under certain performance standards will not negatively alter the character of the surrounding neighborhood. An accessory dwelling unit is not designed nor intended to conflict with the purpose and intent of a specific zoning district or act as an alternative to increase residential dwelling density.

7-4-2 Permit/Application Procedures

1. In addition to general procedures, standards and criteria provided in this Ordinance, attached accessory dwelling units and detached accessory dwelling units may be allowed in applicable zoning districts provided they are consistent with the eligibility and performance standards outlined in Sections 7-4-3 and 7-4-4.

2. Fees. The zoning application fee and annual inspection fee shall be established by resolution of the County Board.

7-4-3 Eligibility

1. Any lot proposed for an accessory dwelling unit shall contain a principal single family dwelling.

   Exception for New Single Family Construction. An attached accessory dwelling unit may be approved conditional to the unit being constructed concurrently with the principal single family dwelling.

2. The principal single family dwelling on the lot shall be owner-occupied.

3. Minimum Lot Size for Detached Accessory Dwelling Units. The lot on which a detached accessory dwelling unit is located shall be at least five (5) acres in size.

7-4-4 Performance Standards

1. Not more than one (1) accessory dwelling unit shall be allowed on a lot.

2. Occupancy of the accessory dwelling unit is limited to family members related by blood, marriage, or adoption, or single caregiver. For the purposes of this section of the Ordinance, a caregiver is defined as a person responsible for the direct care of someone who is not able to perform the critical tasks of personal or household care. There shall be an annual verification that the persons living in the accessory dwelling unit are family members or caregivers, as defined herein.

3. Size. In no case shall the habitable square footage of an accessory dwelling unit be more than forty (40) percent of the habitable area of the principal single family dwelling, nor more than eight hundred (800) square feet, nor less than three hundred (300) square feet. For the purposes of accessory dwelling units within or attached to a garage, only the habitable portion shall be calculated for accessory dwelling unit size requirements.

4. Amenities. An accessory dwelling unit shall not contain more than one (1) bathroom, one (1) kitchen (with or without eating area), one (1) utility room, two (2) bedrooms, and one (1) living/multi-purpose room.

5. Sewage treatment shall be provided for the accessory dwelling unit in accordance with the Scott County Individual Sewage Treatment System Ordinance No. 4.

6. Off-Street Parking. In addition to the parking spaces required for the principal single family dwelling on the lot, two (2) off-street parking spaces shall be provided for the accessory dwelling unit.

7. Driveway. An accessory dwelling unit and its supporting parking area shall be served by the same driveway and access that serves the principal single family dwelling.

8. Detached Accessory Dwelling Unit Setbacks. In addition to meeting principal building setbacks, the detached accessory dwelling unit shall be located in the side or rear yard of the principal single family dwelling and be separated by at least ten (10) feet from the principal single family dwelling, but not more than one hundred fifty (150) feet. Exceptions may be granted through an IUP for an existing structure, or for parcels that have unique topographic or environmental constraints..

9. Design and Appearance.

   a. ~~The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal single family dwelling on the lot.~~

   b. ~~Attached~~ Accessory dwelling units shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family ~~dwelling~~ property.

   c. Detached accessory dwelling units shall be situated in such a way as to minimize its visibility from adjacent streets and properties.

   d. All related aesthetic matters including architecture and landscaping shall be subject to review by the Planning Department.

10. An accessory dwelling unit shall not be subdivided nor otherwise segregated in ownership from the principal single family dwelling.

11. All kitchen appliances and/or plumbing equipment shall be removed once the accessory dwelling unit is no longer occupied by a family member.

12. Other Regulations. The accessory dwelling unit shall comply with all other local and state regulations.

13. Additional conditions may be imposed to ensure that the proposed use is compatible with the surrounding land uses.

7-4-5 Elimination/Expiration

1. Termination. Any accessory dwelling unit permit may be terminated if the use in question violates any of the standards of this Ordinance, or any conditions placed on the permit.

2. Expiration. Any accessory dwelling unit permit shall expire upon the occurrence of any of the following events:

    a. Re-zoning of the property to a zoning district in which accessory dwelling unit is not specified as an allowable use.

    b. The unit is no longer occupied by a family member <u>or eligible caregiver</u> as defined in Section 7-4-4.

    c. All kitchen appliances and/or plumbing equipment are removed and the unit no longer meets the definition of a dwelling unit.

CHAPTER 8: HOME OCCUPATIONS AND HOME EXTENDED BUSINESSES

8-1 HOME OCCUPATIONS

8-1-1 Purpose

The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations may be conducted in residential and agricultural areas without jeopardizing land use harmony and compatibility, and the health, safety, and general welfare of the surrounding neighborhood.

8-1-2 Permit

In addition to general procedures, standards and criteria provided in this Ordinance, home occupations may be allowed in applicable zoning districts provided they are consistent with the performance standards outlined in Section 8-1-3.

8-1-3 Performance Standards

Home occupations shall be allowed if the following standards are met:

1. The business shall be located within the principal structure of the property of the business owner.

2. Not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for the home occupation.

3. No stock-in-trade shall be displayed so as to be visible from any street.

4. No person shall be employed other than a member of the household residing on the premises.

5. Noise levels which constitute a nuisance shall be prohibited as regulated in the Minnesota Pollution Control Agency's Noise Pollution Control Rules (NPCR).

6. The home occupation shall not generate more than three (3) client/customer vehicles at any one time and all parking shall be provided on-site.

7. The home occupation shall not require alterations to the exterior of the residence or change the residential character.

8. One business sign shall be permitted, no larger than twelve (12) square feet in area per surface. Signs shall not be constructed to have more than two (2) surfaces and shall not be illuminated.

9. No outside storage shall be permitted.

10. An individual sewage treatment system shall be designed and sized to accommodate both the residential use and the home occupation in accordance with Scott County Individual Sewage Treatment System Ordinance No. 4, as amended.

11. The home occupation shall comply with all county, state and federal regulations.

8-2 HOME EXTENDED BUSINESSES

8-2-1 Purpose

The purpose of this Section is to establish standards for home extended businesses to ensure that these uses are reasonably compatible with their surrounding environment.

8-2-2 Exceptions

The following uses shall not be classified as a home extended business:

1. Property owners who park or store one (1) vehicle used for any business use and one (1) trailer with associated equipment parked on the trailer, either indoors or outdoors, provided that it is not used for transporting hazardous, flammable, or biological materials may be permitted in all zoning districts except for lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban, ~~Urban~~ Transition Reserve Cluster and Urban Expansion Reserve Cluster Districts. The property owner must be the only employee of the business.

   Property owners of lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban, ~~Urban~~ Transition Reserve Cluster and Urban Expansion Reserve Cluster Districts may be permitted to park or store one (1) business associated vehicle not exceeding one (1) ton and one (1) trailer with associated equipment on the trailer, either indoors or outdoors, provided that it is not used for transporting hazardous, or flammable materials. The property owner must be the only employee of the business. Storage of business associated supplies must be kept indoors.

2. Any on-site outdoor storage of commercial or agricultural equipment or vehicles associated with an active farming operation.

8-2-3 Permit

In addition to general procedures, standards and criteria provided in this Ordinance, home extended businesses may be allowed in the applicable zoning district provided consistency with the standards outlined in Sections 8-2-4, 8-2-5, and 8-2-6.

8-2-4 General Performance Standards

The following standards apply to home extended businesses in all applicable zoning districts:

1. The business shall be located on the homestead property of the business owner.

2. There shall be no more than one non-resident employee working on-site.

3. The property on which the home extended business is located shall be at least five (5) acres in size, unless the specific zoning district requires a larger minimum lot size.

4. All buildings used in conjunction with the home extended business shall meet the requirements of the State Building Code.

5. All on-site production, assembly, sales, and service shall be conducted within a building approved for the extended home business.

6. All equipment and vehicles shall be stored within an enclosed structure, except in agricultural districts where outdoor storage may be allowed under Section 8-2-5 of this Ordinance.

7. A landscape plan may be required that illustrates screening from adjacent public right-of-way and adjacent residential uses.

8. On-site parking shall be provided.

9. Noise levels which constitute a nuisance shall be prohibited as regulated in the Minnesota Pollution Control Agency's Noise Pollution Control Rules (NPCR).

10. No liquid, gaseous and solid wastes resulting from the use shall be discharged into the soil, water or air until the specific methods and means of discharge have been reviewed and approved by the appropriate county, state or federal agency.

11. The operator shall provide evidence of a contract for the removal of all solid wastes by a licensed hauler to an approved site.

12. The use shall comply with the Scott County Hazardous Waste Management Ordinance.

13. The use shall comply with Minnesota Statutes if the property is enrolled in the Agricultural Preserve Program.

14. The site access shall be from a hard surface road unless access via a gravel road is approved by the road authority.

15. One business sign shall be permitted, no larger than twelve (12) square feet in area per surface. Signs shall not be constructed to have more than two (2) surfaces and shall not be illuminated.

16. An Individual Sewage Treatment System shall be provided for the home extended business in accordance with the Scott County Individual Sewage Treatment System Ordinance No. 4.

17. The use shall comply with all applicable county, state and federal regulations.

18. If the site conditions or nature of the activity generates excessive dust, appropriate control measures may be required.

19. The home extended business shall be limited to three (3) business associated vehicles.

20. On-site working hours may be set by the County.

21. ~~For parcels less than fifteen (15) acres in size,~~ The accessory structure used for home extended businesses shall not exceed zoning district standards for non-agricultural accessory building floor area, <u>and for parcels 40 acres or larger the maximum building area for the home extended business shall be limited to 6,000 square feet.</u>

~~22. For parcels fifteen (15) acres and larger in size, the size of accessory structure use for home extended businesses can be increased up to six thousand (6,000) square feet provided the following conditions are met:~~

~~a. Accessory structures that exceed zoning district standards must be setback at least one hundred (100) feet from all property lines, in addition to all other applicable setbacks.~~

23. Additional conditions may be imposed by the Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.

8-2-5 Performance Standards – Agricultural Zoning Districts

The following standards apply to home extended businesses within Agricultural zoning districts, in addition to the general performance standards.

1. Outdoor storage may be allowed for home extended businesses in agricultural zoning districts provided the following conditions are met:

    a. The outdoor area shall not exceed three thousand (3,000) square feet in area.

    b. The outdoor storage area is delineated by fence.

    c. The outdoor storage area is located at least one hundred (100) feet from adjoining property lines.

    d. The outdoor storage is screened from the view of adjoining residential uses and public right-of-way.

    e. The height of storage materials shall not exceed the height of screening provided.

8-2-6 Performance Standards – Rural Residential and Urban Reserve Zoning Districts

The following standards apply to home extended businesses within Rural Residential and Urban Reserve Zoning Districts, in addition to the general performance standards:

1. Outdoor storage of equipment, supplies, or products is prohibited.

8-2-7 Termination and Expiration of Home Extended Businesses or Interim Use Permits

1. Termination. The County Board may terminate any home extended business interim use permit if the use in question violates any of the standards of this Ordinance, or other conditions placed on the permit by the County Board.

2. Expiration. Any home extended business interim use permits will expire upon the occurrence of any of the following events:

    a. Re-subdivision of the property.

b. Rezoning of the property.

c. Changes or amendments to the Comprehensive Plan that affect the property on which a home extended business exists.

CHAPTER 9: ANIMALS, STABLES, AND FEEDLOTS

9-1 PURPOSE

The purpose of this Chapter is to provide standards for the keeping of animals in association with various allowed uses in a manner compatible with surrounding uses and consistent with the health, safety and general welfare of the community.

9-2 LIMITED LIVESTOCK RAISING

9-2-1 Applicability - This section shall only apply to agricultural operations meeting the definition of Limited Livestock Raising in Chapter 16.

9-2-2 Animal Unit Measurement - A unit of measure used to compare differences in the production of animal wastes which has a standard amount of waste produced on a regular basis by a slaughter steer or heifer. For the purpose of this Ordinance, the following equivalents apply:

To determine the animal unit measure for any animal not specified below, divide the average adult weight by one-thousand (1,000).

	Animal Unit	No. of Animals Per Acre	Equivalent Animal Units (AU)	
			250 AU's	500 AU's
(1) Slaughter Steer or Heifer	1.0	1.0	250	500
(1) Cow and Calf Pair	1.2	.8	208	417
Mature Dairy Cow (1) Over 1,000 lbs. (1) Under 1,000 lbs.	 1.4 1.0	 .7 1.0	 179 250	 357 500
Swine (1) Over 300 lbs. (1) Between 55-300 lbs. (1) Under 55 lbs.	 .4 .3 .05	 2.5 3.3 20.0	 625 833 5,000	 1,250 1,667 10,000
(1) Sheep or lamb	.1	10	2,500	5,000
(1) Duck	.01	100.0	25,000	50,000
Turkey (1) Over 5 lbs. (1) Under 5 lbs.	 .018 .005	 55.6 200.0	 13,889 50,000	 27,779 100,000
Chickens (Dry Manure) (1) Over 5 lbs. (1) Under 5 lbs.	 .005 .003	 200.0 333.3	 50,000 83,333	 100,000 166,667
(1) Chicken (Liquid Manure)	.033	30.3	7,576	15,152

(1) Horse	1.0	1.0	250	500
-	Animal Unit	No. of Animals Per Acre	Equivalent Animal Units (AU)	
			250 AU's	500 AU's
Goat	0.15	6.7	1667	3333
Llama	0.35	2.9	714	1429
Alpaca	0.20	5.0	1250	2500
Mini Horse	0.25	4.0	1000	2000
Mini Donkey	0.35	2.9	714	1429
Potbelly Pig	0.15	6.7	1667	3333

9-2-3 Maximum Animal Unit Density

1. Except as provided under Par. 3, below, no livestock shall be kept on any single parcel or contiguous parcels having less than a total of two (2) acres of Productive Acreage for the first animal unity and one (1) Productive Acreage for each additional animal unit. For the purposes of this section, contiguous parcels shall mean two or more parcels of land that are under common ownership and within two miles of each other, as measured along a public right-of-way.

2. For private equine operations where horses are kept in an enclosed structure in an in-house operation, the number of animals may exceed the allowed animal unit density under Par. 1, above, through a conditional use permit. The plan submitted shall include a building plan, drawn to scale, site plan and a detailed operations plan. The plan shall include an area providing daily exercise, interior building layout and equine confinement areas, which shall not be less than one hundred (100) square feet per equine. All new or expansion of existing feedlots shall comply with section 9-4.

3. The County may by Administrative Permit allow livestock densities that exceed the limits under Par. 1, above, subject to the following:

   a. Application: The applicant shall submit, at a minimum, the following information for review by the County:

      (1) A scaled map or drawing that shows with reasonably clarity and accuracy the location of existing and proposed buildings, Pastures, cropland, Feedlots, and manure storage and disposal areas;
      (2) The proposed type and number of animals;
      (3) The proposed method of collecting, storing, and disposing of manure;

(4) The proposed measures to minimize odor and control insects;
(5) The proposed method of disposal of dead, dying, or diseased animals; and
(6) The proposed method to manage runoff from any feedlot or manure stockpile areas.

b. Conditions: The applicant shall comply with the following for the duration of the Permit:

1. Collect, manage and dispose of manure in accordance with a manure management plan approved by the Scott Soil and Water Conservation District. If the applicant does not own sufficient land to dispose of manure in accordance with the approved manure management plan, the applicant shall secure through legal and binding instrument the rights to spread manure on nearby Productive Land. The permit holder shall upon request by the County provide evidence that such legal instrument(s) are in effect, and that the agreement(s) cover the minimum acreage required to enable disposal of the manure in accordance with the approved manure management plan.

2. Ensure all areas grazed by livestock meet the minimum vegetative cover requirements set forth in the definition of Pasture.

3. Effectively control odor and insects.

4. Effectively prevent manure runoff in compliance with applicable state and local feedlot regulations.

5. Other conditions the County considers reasonable and necessary to protect the public health, safety, and welfare.

c. Annual Review: Any Administrative Permit issued under this section shall be subject to annual review. Failure to comply with the conditions set forth in the permit is cause for revocation of the permit and constitutes a violation of this Ordinance.

9-2-4 Poultry Raising

On parcels less than 10 acres in the RR-2, RR-3, RR-1C, ~~U~~TR-C, and UER-C Zoning Districts, limited raising of poultry animals (chickens, ducks, turkeys, geese & related fowl) may be permitted subject to the following regulations:

a. The maximum number of poultry animals shall be limited to: 10 animals on lots between 0 - 2.49 acres; 20 animals on lots between 2.5 – 4.99 acres; 40 animals

on lots between 5.0 – 9.99 acres. Lots 10 acres or greater shall be regulated according to other provisions in this chapter.

b. Roosters are not permitted on any lot or parcel less than 10 acres.

c. Poultry shall at all times be confined to the property and must be kept in enclosed structures, coops, or runs. Enclosures, coops, and runs shall be set back 30 feet from any property lines, and shall be located closer to the residence on the subject parcel than to any other adjacent residence.

d. The poultry facilities shall be maintained and animal waste properly disposed so to effectively control odor and insects.

9-3 STABLES

9-3-1 Private Horse Riding Arena

1. Private horse riding arenas may be allowed in all zoning districts, except the Commercial and Industrial Districts, with the approval of a Conditional Use Permit. The following are the minimum lot requirements:

    a. Private horse riding arenas shall only be located on parcels having an area of 10.0 acres or greater.

    b. Private horse riding arenas shall meet minimum principal structure front, side, and rear yard setback standards in all applicable zoning districts.

2. Private horse riding arenas may be exempted up to 10,000 square feet from the allowed accessory building size on parcels between 10.0 and 39.99 acres. No private riding arena shall exceed 10,000 square feet in gross floor area unless the applicant designates the accessory building floor area that would otherwise be allowed as personal storage on their parcel as additional floor area to be connected to and used as part of the riding arena and other horse related uses.

    a. If the interior layout indicates that a portion of the allowed accessory building area within the riding arena will be used for personal storage (all types of trailers, boats, vehicles, equipment, workshops, etc.), that area designated as personal storage shall be physically separated from the rest of the building, as approved by the Planning Department.

3. Horse stalls, tack rooms, supply rooms, horse wash rooms, and all other horse related uses/rooms within the riding arena may occupy a maximum of 20% of the total floor area of the proposed building. If part of the

building is used for personal storage as identified in 9-3-2-2a, that area designated as personal storage shall not be included in the calculation that determines the size of floor area that will be allowed for horse related uses.

4. In addition to the submittal requirements in Chapter 2, the following shall be submitted: Site survey with all existing and proposed improvements indicated, building elevations, interior building layout/floor plan indicating use of each room/area in the riding arena, vehicle parking area, outdoor fencing and paddock areas, type of footing/flooring material to be installed, and a detailed operations plan of how the applicant intends to use/operate the private horse arena.

5. The footing material in the horse riding arena shall be sand, wood chips, stone-dust, or other surface approved by the Planning Commission.

9-3-2 Public Stables

Conditions for the operation of a public stable within applicable zoning districts shall include, but not be limited to, the following:

1. Provision for plans, drawn to scale, of the public stable operation shall include a site plan, consistent with Section 2-10 of this Ordinance, building plans to be designed as a commercial building, operational plans, elevations, trails, signs, lighting, parking, individual sewage treatment system and well systems. A plan shall be submitted for fences, paddocks and outside arenas to be constructed and maintained to safely contain equine at all times. A productive acreage determination will be required.

2. When the public stable property is less than forty (40) acres, the property shall have a minimum of two (2) productive acres for the first equine and one (1) productive acre for each additional equine. If equine are kept in an in-house operation, this density may be increased pending a building plan, drawn to scale, site plan and detailed operations plan. The plan shall include an area providing daily exercise, interior building layout and equine confinement areas, which shall be not less than one hundred (100) square feet per equine.

3. All structures, parking lots, and storage areas shall be set back at least one hundred (100) feet from the property line and at least two hundred (200) feet from an adjacent parcel residence or well. .

4. The applicant shall submit a plan for manure handling, removal of other waste materials, and receive a Minnesota Pollution Control Agency Feedlot Permit, if required. The plan shall provide for the storage of

manure and other waste materials at least one hundred (200) feet from an adjacent parcel residence or well.

5. Depending upon the size of the operation, one employee dwelling unit may be allowed as part of the public stable operation. This shall be submitted as part of the detailed plan.

9-4 FEEDLOTS

9-4-1 Setbacks

1. New or expanding feedlots shall comply with the following setback requirements:

	100 - 250 Animal Units	250 + Animal Units
Existing residence other than operator or a member of the operator's family	500 feet	1,000 feet
Property line	100 feet	100 feet
DNR Protected Wetland	75 feet	75 feet
Public ditch-not DNR protected	100 feet	100 feet
Public road right-of-way	50 feet	50 feet
DNR protected watercourse or tributary	300 feet	300 feet
DNR Protected Lakes*	1,000 feet	1,000 feet

* Existing feedlots within a Shoreland Overlay District may not be expanded toward the OHWL of the lake beyond the feedlot's existing setback.

2. New residences shall be set back five hundred (500) feet from feedlots containing between one hundred (100) and two hundred fifty (250) animal units and one thousand (1,000) feet from feedlots of two hundred fifty (250) animal units or more. This provision does not apply to dwellings constructed as a principal residence on the same parcel and under the same ownership as the feedlot.

3. New feedlot operations having fifty (50) or more animal units shall be located one (1) mile or more from a city boundary or existing public sewer or water.

9-4-2 Prohibitions

New or expansion of existing feedlots shall be prohibited in the Floodplain District.

9-4-3 MPCA Permit

New or expansion of existing feedlots shall obtain a Minnesota Pollution Control Agency Feedlot Permit, if required, and comply with all requirements.

9-4-4 Standards for Conditional Use Permits

1. The County shall review the impact of the feedlot and its effect on the neighborhood and environment. The review shall include, but not be limited to, the following criteria:

   a. The size of the operation and type of animal raised in the operation.

b. The method of spreading or incorporating manure from the feedlot.

c. The measures which will be taken to minimize odor at the feedlot site and during the disposal of manure.

d. The method of disposal of dead, dying, or diseased animals.

e. The method of controlling runoff from the feedlot in compliance with applicable state and local standards.

2. Conditional use permits shall be in effect only as long as land specified for spreading or incorporating manure is available for such purposes.

3. Land spreading agreements shall be provided if the applicant does not own the minimum acreage as required in the manure management plan and that minimum must be under agreement throughout the lifetime of the permitted feedlot. Any shortage of minimum required acreage is cause for revocation of the permit and constitutes a violation of this Ordinance.

4. The applicant shall receive an approved Minnesota Pollution Control Agency Feedlot Permit.

5. All feedlots shall be operated consistent with the Certificate of Compliance.

6. Additional conditions may be imposed which the Planning Advisory Commission and County Board consider necessary to protect the public health, safety, and welfare.

9-5 EXOTIC ANIMALS

9-5-1 EXOTIC ANIMALS DEFINED - Any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

a. Non-human primates and prosimians (monkeys, chimpanzees, baboons)
b. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars) does not include domesticated cats
c. Canidae (wolves, coyotes, foxes, jackals) does not include domesticated dogs
d. Ursidae (all bears)

e. Crocodilia (alligators, crocodiles)
f. Proboscidea (elephants)
g. Hyaenidae (hyenas)
h. Artiodactyla (hippopotamuses, giraffes, camels) does not include cattle, swine, sheep, goats, bison, alpacas or farmed Cervidae
i. Procyonidae (raccoons, coatis)
j. Marsupialia (kangaroos or possums)
k. Perissodactylea (rhinoceroses, tapirs) does not include horses or donkeys or mules
l. Edentata (anteaters, sloths, armadillos)
m. Viverridae (mongooses, civets, genets)
n. Venomous Reptilia (venomous snakes)
o. Pythonidae (pythons)

9-5-2 EXOTIC ANIMALS PROHIBITED

1. It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic animal.

2. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal or exotic animals upon the property, residence or premises.

9-5-3 EXCEPTIONS: The following shall be exempt from these ordinances under the conditions noted:

1. Animal control officers

2. Licensed veterinary hospitals or clinics

3. Any wildlife rehabilitator as defined in Minnesota Administrative Rules, Chapter 6244, Part 6244.0300, Subpart 23 and is licensed or permitted by the State who temporarily keeps exotic animals when the purpose is to return the animals to the wild.

4. An exhibitor of exotic species, who holds a current Animal Welfare Act License from the USDA (APHIS Division). The exhibitor shall be exempt for a temporary period not to exceed 45 days and the exhibit shall be directly related to an educational event or a Conditional or Interim Use Permit approved by Scott County. The responsible party for the event and/or Conditional or Interim Use Permit shall ensure that the exhibitor has obtained the proper permits.

5. Any person who owned or possessed exotic animal(s) on or before the effective date of this ordinance shall be permitted to keep, harbor or maintain the number of exotic animals that person was legally permitted to own or possess as of the date of adoption of this ordinance provided that all federal, state, and local licensing and/or approval requirements are met and the current number of exotic animals already owned shall not increase (and)

   (a) Owners of such animals must maintain current veterinary records, acquisition papers, and any other documents that will establish the date the animal was acquired and the owner shall furnish the documentation to the Scott County Zoning Administration Office upon request.

   (b) The health or well-being of the animal shall not in any way be endangered by the manner of keeping or confinement.

   (c) The keeping of such animal does not constitute a nuisance. The keeping of such animal will not create or cause offensive odors, noise, or constitute a danger to public health.

   (d) Owners will be subject to inspections of the property to ensure compliance.

   (e) If Scott County ever enacts a licensing ordinance, the owner of such exotic animals will be required to obtain a license.

CHAPTER 10: MINING

10-1 PURPOSE

The purpose of this Section is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.

10-2 SCOPE AND APPLICABILITY

No person, firm or corporation shall hereafter engage in mining on any land without first obtaining an Interim Use Permit as regulated in Chapter 2 of this Ordinance. For the purpose of this Section, mining consists of the mining and/or processing of sand, aggregate material, rock, black dirt, peat, and soil and the removal thereof from the site. For the purposes of this Chapter, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved “no loss” or “exemption” determination from the local government unit administering the Wetland Conservation Act and excavations of less than 100 square feet in area or one foot in depth.

10-3 APPLICATION INFORMATION REQUIRED

In addition to the Interim Use Permit application information required in Chapter 2, the following information shall be provided:

1. Name and address of operator requesting the mining permit.

2. Name and address of the owner of the land.

3. Complete legal property description of the subject property suitable for recording the Interim Use Permit if granted.

4. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site.

   Map A - Existing conditions survey to include:

   a. Survey prepared by a registered land surveyor indicating property boundaries.

b. Contour map (two (2) foot intervals).
c. Existing vegetation, wooded areas and rock outcrops.
d. Water courses, marshes, wetlands and existing surface water drainage patterns.
e. Existing structures including power transmission poles and lines, easements, encumbrances, and other significant features.
f. Existing wells.
g. Existing septic systems.

Map B - Proposed Operations to include:

a. Structures to be erected.
b. Location of sites to be mined showing depth of proposed excavation.
c. Location of machinery and material to be used in the mining operation.
d. Location of storage of mined materials, showing maximum height of storage deposits.
e. Location of vehicle parking, access roads and local routes to truck routes.
f. Location of storage of explosives.
g. Staging of mining activity.
h. All screening including berming, fencing and vegetation.
i. Security fencing.

5. Land Reclamation Plan meeting requirements in Section 10-5.

6. A plan for dust and noise control meeting requirements in Section 10-6.

7. A narrative of the proposed mine operations including a complete description of the proposed operation to include the type of material to be excavated, mode of operation and processing, estimate of the amount of material to be removed, plans for blasting, anticipated types of equipment to be used on site, mode of transportation of product, an estimate of the daily and peak daily number of vehicles accessing the facility, estimate of duration of the mining operation, phasing, and approximate acreage of each phase, a time schedule for reclamation and any other pertinent information to explain the request in detail.

8. A description of the haul routes to be used in the operation of the facility including a map showing access routes between the property and the nearest arterial road.

9. The County may require a traffic study showing the impact of the mine on public streets which serve the mine. A professional traffic operations engineer shall undertake the study.

10. Resource management plan meeting the requirements in Chapter 6 of this Ordinance.

11. A plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of 3 borings showing depth to groundwater. If ground water is not encountered at a depth of 5 feet below the bottom of the pit floor, the applicant need not extend the boring any further.

12. Cross-sections; a minimum of three cross-sections showing the extent of the overburden, extent of sand and aggregate material deposits and the water table.

13. Phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, stockpiles, staging areas, accessory uses and access routes, including an estimate of the duration and acreage of each phase and time schedule for reclamation.

14. A description of site screening, landscaping and security fencing. Including a view shed analysis meeting the requirements in Section 10-6.

15. Blast monitoring plan if blasting is proposed meeting the requirements in Section 10-6.

16. Any other information requested by the Planning Department, Planning Advisory Commission and County Board.

10-4 ANNUAL REPORT AND INSPECTION

An annual report of mining operations and reclamation shall be submitted to the County no later than March 31st of each calendar year. At a minimum, the annual report must specify the following:

1. The amount of material removed from the mine site in the previous year.

2. Survey prepared by a registered land surveyor or current detailed plan showing the areas in which mining is complete and areas in which mining is ongoing and planned to be mined within the next year, and areas of the mine which have been reclaimed or are ready to be reclaimed.

3. If dewatering groundwater, actual pumping rates and times, and actual ground water discharge locations and quantities.

4. Upon request by the County the Operator shall provide required ground water, surface water and air quality monitoring results.

5. Evidence that any required bond, letter of credit or other security requirement remains valid.

6. Any other items as requested by the County related to mining operations to demonstrate compliance with the Interim Use Permit.

Upon receiving the annual report, County staff and their representatives may complete an annual inspection of the subject property.

10-5 LAND RECLAMATION

A Reclamation Plan shall be prepared to reclaim the property containing the Mining Operation to a condition whereby it can be utilized for the planned use of the property after mining operations cease.

Proposed land uses shall be consistent with the Comprehensive Plan(s), Zoning Ordinance, Subsurface Sewage Treatment Ordinance, access spacing and management requirements and other ordinance requirements in effect at the time the reclamation plan is submitted. Reclamation shall be completed within one (1) year after all phases of mining are complete and the removal of any stockpiled products, and must include the following elements:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. An extension may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site or if an agreement is entered into between the Operator, Owner and County to maintain the structures

2. Security for land reclamation acceptable to the County shall be required.

3. The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall.

Final slopes. Final constructed slopes within the mine area must be stable. Except as provided in this section for bedrock highwalls, final slopes must not be steeper than a 3:1 horizontal to vertical incline. A final slope steeper than a 3:1 horizontal to vertical incline is allowed if the slope existed naturally within the mine area before mining began or is required to blend with surrounding natural and stable topography.

Bedrock highwalls. A reclamation plan may designate bedrock highwalls as stable and safe and not in need of reclamation. Final slopes steeper than a 3:1 horizontal to vertical must be shown to be stable through a field plot demonstration in an approved reclamation plan; or determined to be stable through a site-specific engineering analysis performed by a professional engineer.

4. Phasing and timing of operations and reclamation shall be discussed in the Reclamation Plan. A detailed cost estimate of reclamation shall be provided.

5. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. Engineered topsoil may be used as a substitute for on-site topsoil. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.

6. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.

7. Fill material specifications. All fill material brought to the site for placement in any location or depth shall be free of contamination, asphaltic pavement, crushed concrete, or scrap shingles shall not be used as reclamation fill material.

8. 25% to 50% of the net developable acreage of the property must be reclaimed to a condition whereby it can be utilized for the types of land use typical of those permitted within the zoning district and/or comprehensive plan in which the Mining Operation is located.
An analysis of the pre-mining development potential that considers environmental, natural resource, sewage treatment suitability, soil and bedrock conditions of the site to determine the amount of the site that shall be reclaimed for future development shall be conducted.

9. The above standards may be modified to provide for unique conditions.

10-6 OPERATIONAL STANDARDS

1. Mining Operations shall be conducted in compliance with applicable Township, County, State and Federal ordinances, statutes, rules, regulations, agreements, best management practices and permits including, but not limited to, those of the U.S. Army Corps of Engineers, the United States Environmental Protection Agency, the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE), the Mine Safety and Health Administration, the Minnesota Pollution Control Agency, the Minnesota Department of Health, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation and other regulations and standards applicable to use of the property and the Mining Operations.

2. Clearing of the mining site shall conform to the plans approved within the Interim Use Permit. Existing vegetation shall remain in a natural state whenever feasible unless property is utilized for agricultural production.

3. Screening Barrier. To minimize problems of dust and noise and to shield Mining Operations from public view, a screening barrier may be required between the Mining Operations and abutting rural residential, residential, suburban, or urban expansion districts.

   A screening barrier shall also be required between the Mining Operations and any public road. The screening barrier shall be installed on the property that is the subject of the Interim Use Permit. Screening berms may be established within setback areas established per Section 10-7.

   A viewshed analysis shall be submitted with the application and shall include the development of a model of site specific conditions such as topography, vegetation, equipment, stockpiles, proposed site structures and other features of the Mining Operation. Key view areas as determined at the sole discretion of the County shall be represented through drawings, photos, cross-sections or other imaging methods. The viewshed analysis shall be used to guide the location and design of berms to optimize their screening impact from the key view areas to the extent practicable.

   The key view areas shall be as determined by the County. During review of an application for an Interim Use Permit the County may identify additional key view areas to be modeled. The screening barrier shall consist of berms which shall be planted with a species of fast growing vegetation approved by the County.

4. Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the County.

5. Access:

   a. Operators shall be responsible for providing dust control measures on the portion of gravel road used to access the Mining Operation to the nearest paved road, unless waived by the road authority.

   b. The applicant must obtain approval from the road authority for all proposed new access points to public roads, or for the conversion of an existing access point.

   c. Haul trucks must obey the current laws with respect to use of public roadways including weight restrictions, containment of loads, and licensing.

   d. Access points intersecting a paved public road may be paved a minimum of one hundred (100) feet back from the edge of bituminous of the public road. Failure to maintain the pavement in acceptable condition may result in closure of access.

   e. All access points from the Mining Operation onto any public road shall be clearly indicated and only those indicated access points shall be utilized.

   f. Turn lanes and acceleration or deceleration lanes for the Mining Operation access may be required to be constructed at the sole expense of the project proposer.

   g. A gate shall be required across access roads to the Mining Operation.

6. Hours of Operation. In all agricultural, residential and urban expansion zones those portions of the Mining Operation consisting of excavating, stockpiling, processing, loading/unloading or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. and 5:00 p.m. on Saturday, unless other hours or days of operation are specifically authorized by the County.

7. Blasting shall only take place between the hours of 9:00 a.m. and 3:00 p.m.; Monday through Friday excluding federal holidays unless extenuating circumstances require shots to be completed beyond this time for safety reasons. A pre-blast notification by preferred method, (text, phone call or email) provided within in 1 hour prior to any blast shall be provided to the County. The operator will offer notification to all property owners within one half (1/2) mile of the Mining Operation and will notify those property owners who want to be notified within 1 hour prior to any blast.

8. Vibrations caused by blasting must comply with the ground vibration and air blast standards established by the OSMRE for protection of structures. The blast monitoring plan shall include the anticipated blast process, and shall establish a monitoring program that will provide the framework for documentation of the existing condition of nearby structures. Methods of collecting and monitoring the ground vibration and air blast data and a plan for contingency actions to be followed in the event the blasting standards are not achieved or damage to infrastructure or structures occurs shall also be included in the plan. Pre-blast surveys shall be conducted in accordance with the approved Blast Monitoring Plan.

9. When explosives are used, the operator shall take all necessary precautions not to endanger life or to inflict damage to property. The method of storage, use and handling of said explosives shall conform to State and Federal regulations related thereto. Detailed seismic blasting records shall be collected each time explosives are used and shall be kept by the operator. These records are to be made available to the County upon request.

10. There shall be no unauthorized storage of vehicles, equipment or materials unrelated to the mining activities allowed in the mine area.

11. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment.

12. Noise levels generated from the facility will be consistent with the standards established by the Minnesota Pollution Control Agency.

13. Operators shall be required to control noxious weeds.

14. The County may impose additional regulations and requirements to the Interim Use Permit for mineral extraction, to protect the public health,

safety, and welfare, including but not limited to mitigation and monitoring requirements.

a. Mitigation plans outlined in any environmental assessment worksheet (EAW) or environmental impact statement (EIS) may be required as minimum conditions in any Interim Use Permit for mineral extraction. Mine operators may be required to adequately fund mitigation measures that are required as a condition of any Interim Use Permit for mineral extraction.

b. Monitoring must be conducted in accordance with state or federal permit conditions.

15. Dust Control and Air Quality.

a. Remedies to control dust may include methods such as berming, landscaping, enclosures for processing equipment, and watering stockpiled materials and all roads within site.

b. The County may require that all equipment used for extraction operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as practical, dust conditions.

c. All activities on the subject property shall be conducted at a minimum in a manner consistent with the Minnesota Pollution Control Agency's operating permits.

16. A development agreement may be required for mineral extraction permits.

17. Violations. In the event that the premises containing the mining operation is cited for any violation under any operating permit or rule including the Minnesota Pollution Control Agency and Minnesota Department of Natural Resources, the operator shall provide notice to the County within ten business days of receipt of the notice of the violation.

10-7 SETBACK AND LOCATION REQUIREMENTS

Screening barriers and access driveways may be located in the setback, but the setback shall otherwise be vegetated. Mining shall be contained entirely outside the setback and location requirements listed herein:

1. Mining to be setback not less than one hundred (100) feet from the boundary of any adjoining zoning district where such operations are not

permitted and 30 feet from adjoining zoning district where such operations are permitted.

2. Processing to be located not less than five hundred (500) feet from a residential dwelling existing at the time the IUP is issued. Setbacks from residential structures located on the property or for which a waiver is signed by the property owner are exempt from this requirement.

3. Processing to be located not less than five hundred (500) feet from the property line of any property that is located in a rural residential, residential, suburban, or urban expansion district.

4. Not less than fifty (50) feet from the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans.

5. Mining Operations within the Shoreland District: Setbacks for processing machinery shall be located and operated consistent with setback standards for structures from ordinary high water levels of public waters.

10-8 BOND/LETTER OF CREDIT REQUIREMENTS

The bond/letter of credit herein required to be filed shall be payable to the County on a form approved by the County Attorney. Such bond/letter of credit amount shall be set by the County as a condition of the Interim Use Permit. The bond/letter of credit shall guarantee that upon termination of permit or operations, the property shall be reclaimed in conformity with the approved Reclamation Plan. If and when reclamation of land in accordance with the Reclamation Plan is certified by the County, said bond shall be returned.

10-9 ENFORCEMENT

1. Upon reasonable notice, the operator shall grant the County's officers and representative's access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this Ordinance. Any such inspection must be in the company of an employee of the operator following all site safety regulations.

2. The operator shall be responsible for the repair of public and private property which is acknowledged by the operator to be or proven to be damaged by the Mining Operation. .

3. The operator shall hold the County harmless against all claims by third parties for damage or costs incurred in the operation of the mine. The operator shall indemnify the County for all costs, damages, or expenses incurred by the County arising from such claims, including attorney's fees.

~~CHAPTER 10: MINING~~

~~10-1 PURPOSE~~

~~The purpose of this Section is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.~~

~~10-2 ADMINISTRATION~~

~~1. Permit Review. An interim use permit shall be required for all mining operations. All existing operations shall obtain a permit within five (5) years following adoption of this Ordinance. The County Board may also require a performance bond or some other form of financial guarantee from the landowner to ensure that the conditions in this Section are met.~~

~~2. Portable asphalt and concrete mixing plants may be allowed without a public hearing before the Planning Advisory Commission in all applicable districts if an interim use permit is already approved for the gravel pit in which it will be located, the plant will provide material primarily for a public project, and providing the portable asphalt or concrete mixing plant is to be operated for a maximum two hundred forty (240) hours annually, unless an extension is approved.~~

~~3. The applicant shall apply to the Planning Department to locate a portable asphalt or concrete mixing plant in the gravel pit. Issuance of the permit requires a Township Board recommendation and approval of the County Board. Conditions of the permit shall consist of, but not be limited to, pollution control standards, hours of operation, setbacks, haul roads, area where plant is to be located, slopes, etc. Neighboring property owners within one-quarter (1/4) mile shall be notified of the County Board meeting at which the permit application will be considered.~~

~~4.~~ ~~Portable asphalt and concrete plants which operate more than two hundred forty (240) hours annually may be approved by the County Board through the issuance of an interim use permit in the A-1 Agricultural, A-3 Agricultural Cluster, and the RR-1 Rural Residential Reserve districts, provided an interim use permit is already approved for the mining operation in which it will be located, subject to the following standards:~~

~~a.~~ ~~The area approved for mining through the Interim use permit must encompass a minimum of forty (40) acres.~~

~~b.~~ ~~The concrete plant or asphalt plant must be a minimum of 1/4 mile from a primary residential building other than the operators.~~

~~c.~~ ~~The concrete plant or asphalt plant must be a minimum of ½ mile from any RR-1C (Rural Residential Cluster), RR-2 (Rural Residential Single Family), RR-3 (Residential Suburban Single Family), UER-C (Urban Expansion Reserve Cluster), and UTR-C (Urban Transition Reserve Cluster) zoning districts.~~

~~d.~~ ~~The plant and equipment must be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.~~

~~e.~~ ~~Access roads to and from the mining site shall be paved. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.~~

~~f.~~ ~~All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.~~

~~g.~~ ~~Hours of operation for Asphalt and concrete plants shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday unless otherwise stipulated in the approved interim use permit based on noise, traffic and air control mitigation measures.~~

~~h.~~ ~~Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary sources of aggregate used in the plant.~~

~~5.~~ ~~Asphalt and concrete recycling facilities may be allowed as accessory uses in gravel pit with an approved Interim Use or Conditional Use Permit subject to the following standards:~~

~~a.~~ ~~A Scott County Solid Waste License is issued for the facility (conditions may be placed on the license limiting volumes, stockpile~~

~~height, stockpile location, crushing hours, or any other conditions the County or Township considers necessary to protect the interest of the surrounding area).~~

~~b. A bond or letter of credit is established to ensure the removal of stockpiled recycle material. The amount of the bond shall be established by the County based on the volume of material stored on-site.~~

~~c. Processing of recycle material shall be done in compliance with section 10-4 of this Chapter.~~

~~d. The maximum volume of recycle material on any one site shall not exceed 30,000 cubic yards.~~

~~6. The operations covered by this Section shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.~~

~~7. For the purposes of this Chapter, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved "no loss" or "exemption" determination from the local government unit administering the Wetland Conservation Act.~~

~~8. Renewal of Mining Interim Use Permits. All property owners and residents within one quarter (1/4) mile of the mining operation shall be notified of a proposed mining interim use permit renewal request.~~

~~9. Annual Certificate of Permit Compliance. As a condition of any mining interim use permit, the property owner and/or applicant shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved interim use permit, progress on restoration plans, and related conditions. Said compliance information shall be submitted thirty (30) days prior to the anticipated opening date of the mine each spring. The Planning Department shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved interim use permit and financial guarantee or bonding are adequate to complete the restoration. The certification shall be completed before mining begins. Failure to submit the annual compliance information or violations of the interim use permit may be grounds for revocation of the interim use permit.~~

~~10-3 INFORMATION REQUIRED~~

~~The following information shall be provided by the person or agency requesting the permit:~~

1. ~~Name and address of person or agency requesting the mining permit.~~

2. ~~The legal property description and acreage of area to be mined.~~

3. ~~The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.~~

   ~~Map A - Existing conditions to include:~~
   - ~~a. Contour map (two (2) foot intervals).~~
   - ~~b. Existing vegetation.~~
   - ~~c. Wetlands and existing surface water drainage patterns.~~
   - ~~d. Existing structures.~~
   - ~~e. Existing wells.~~

   ~~Map B - Proposed Operations to include:~~
   - ~~a. Structures to be erected.~~
   - ~~b. Location of sites to be mined showing depth of proposed excavation.~~
   - ~~c. Location of machinery to be used in the mining operation.~~
   - ~~d. Location of storage of mined materials, showing maximum height of storage deposits.~~
   - ~~e. Location of vehicle parking, access roads and local routes to truck routes.~~
   - ~~f. Location of storage of explosives.~~
   - ~~g. Staging of mining activity.~~
   - ~~h. Resource management plan.~~

   ~~Map C - End Use Plan to include:~~
   - ~~a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.~~
   - ~~b. Location and species of vegetation to be replanted.~~
   - ~~c. Reclamation staging plan.~~
   - ~~d. Proposed land use and development plan.~~

4. ~~A plan for dust and noise control.~~

5. ~~A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for reclamation.~~

6. ~~Any other information requested by the Planning Department, Planning Advisory Commission and County Board.~~

~~10-4 PERFORMANCE STANDARDS~~

~~For mining operations approved after the date of adoption of this Ordinance:~~

1. ~~General Provisions. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in a manner to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.~~

2. ~~Water Resources. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.~~

3. ~~Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the County.~~

4. ~~Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the Planning Department.~~

5. ~~Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall be planted with a species of fast growing trees. The tree species must be approved by the Planning Department.~~

6. ~~Setback. Processing of minerals including recycle materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential structures.~~

~~a.~~ ~~Mining operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.~~

~~b.~~ ~~Mining operations shall not be conducted closer than thirty (30) feet to any property line, or within thirty (30) feet of the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall be in conformance with the site plan.~~

~~7.~~ ~~Appearance. All buildings, structures and equipment used for the production or processing of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and equipment will not become dilapidated.~~

~~8.~~ ~~Hours of Operation. All hours of operation shall be set in the interim use permit as approved by the County.~~

~~9.~~ ~~Access Roads. All access roads from mining operations to public highways, roads or streets or to adjoining property, shall be paved or otherwise maintained to control dust.~~

~~10.~~ ~~Mining Operations Within the Shoreland District. Mining and processing operations shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs. This distance does not apply to water pumps needed for mining operations. However, appropriation of water shall require a permit from the Department of Natural Resources, Division of Waters, if necessary.~~

~~10-5 LAND RECLAMATION~~

~~All mining sites shall be reclamated immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:~~

~~1.~~ ~~Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. An extension may be granted for those buildings, structures, machinery and~~

~~plants required to process previously mined materials stored on the site. Security acceptable to the County shall be required. Such extension may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.~~

~~2. The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed twenty (20) percent grade.~~

~~3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or four (4) acres, whichever is less. Once these areas have been depleted of the mine deposit they shall be sloped and seeded in compliance with the end use plan.~~

~~4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.~~

~~5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.~~

~~6. The above standards may be modified to provide for unique conditions.~~

CHAPTER 11: SIGNS

11-1 PURPOSE

The purpose of this Section is to regulate the placement and construction of signs for the purposes of providing information and advertising in an orderly, effective, and safe manner. Restrictions on type, location, and size of signs help preserve the character of the County and protect the public from hazardous and distracting displays and to create an attractive environment for the citizens and visitors alike which is conducive to business, industry, and tourism.

11-2 GENERAL STANDARDS FOR ALL ZONING DISTRICTS

All signs are subject to the following standards:

1. Setbacks. All signs shall be set back from the right-of-way of public roads not less than ten (10) feet from the closest part of the sign. All signs shall be set back ten (10) feet from adjacent property lines.

2. Placement near Railroad Crossings. No sign in excess of three (3) square feet per surface with no more than two (2) surfaces shall be less than five hundred (500) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

3. Building and Electrical Permits. Any freestanding sign in excess of thirty-two (32) square feet in area or any sign requiring footings shall require a building permit. Any sign involving electrical components shall have the appropriate electrical permit and approval by the state electrical inspector.

4. Signs on Public Property. Private signs are prohibited on all public property (public land, right-of-way, dedicated easements, etc.), except the following signs may be placed within public right-of-way provided they do not interfere with traffic or visibility:

    a. Public announcement signs for community events by civic and non-profit groups. Signs shall be removed within seven (7) days of the event.

b. Directional real estate signs for community-wide annual events such as the “Parade of Homes”. Signs shall be removed within seven (7) days of the event.

c. Street, warning, directional and other official signs erected by a government agency.

d. Special event, informational, or directional signs erected or approved by the County for purposes of traffic management or traffic safety.

5. Illuminated Signs. Illuminated signs may be permitted, but dynamic display signs or devices giving off an intermittent or rotating beam of light shall be prohibited. Flood lighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street, or residential structure. Signs may not be illuminated beyond any lot line.

11-3 SIGNS PERMITTED IN ALL ZONING DISTRICTS

Signs are a permitted accessory use in all zoning districts subject to the following standards.

1. Real Estate Signs. A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of twelve (12) square feet per surface and with no more than two (2) surfaces, may be placed within the front yard of the property. Real estate signs exceeding twelve (12) square feet per surface shall be allowed in Commercial and Industrial zoning districts as provided in Section 11-5 of this Ordinance.

2. Temporary Signs. There shall be no more than one temporary sign on any lot, and such sign shall not exceed twenty-five (25) square feet per surface with no more than two (2) surfaces, which may remain on site a maximum of ten (10) days.

   Temporary signs larger than twenty-five (25) square feet per surface may be permitted for up to a maximum of sixty (60) days on parcels with an approved use permit. These temporary signs require a sign permit.

3. Election Signs. Election signs provided such signs are removed within ten (10) days following the election to which the sign is related. No election sign shall be permitted more than two (2) months preceding the election to which the sign relates.

4. Ideological Signs. One ideological, non-commercial sign per parcel, which does not advertise a product, service, or business, but expresses a viewpoint, opinion, idea or non-commercial message such as a message pertaining to politics, religion or charity, may be permitted but in no case shall the total sign area exceed thirty-two (32) square feet per surface with no more than two (2) surfaces. Such sign shall be maintained in a neat and orderly manner.

5. Identification Signs. One area identification sign, not to exceed thirty-two (32) square feet per surface with no sign having more than two (2) surfaces, shall be allowed for each street entrance to a development or municipality. A sign permit is required for any sign in excess of twelve (12) square feet.

11-4 SIGNS PERMITTED IN AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL SUBURBAN, TRANSITION AND URBAN RESERVE DISTRICTS

1. One name plate sign for each dwelling unit not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.

2. One sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces. On principal arterial and minor arterial streets, signs in excess of twelve (12) square feet may be permitted by conditional use permit, but in no case shall the total square footage exceed sixty-four (64) square feet per surface or one hundred twenty-eight (128) total square feet. Sign permit required for signs in excess of twelve (12) square feet.

3. Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.

4. No sign shall exceed ten (10) feet in height above the average grade level.

5. For the purpose of selling or promoting a residential project, one sign not to exceed eighty (80) square feet per surface with no more than two (2) surfaces may be erected on the project site. Sign permit required for sign in excess of twelve (12) square feet.

6. Crop demonstration signs advertising the use of a particular variety, brand, or type of agricultural plant, chemical or tillage.

7. Agricultural product signs indicating that the proprietor of a farm is a dealer in seed, fertilizer, or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

11-5 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS AND FOR INSTITUTIONAL USES

1. Total Sign Area. The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed ~~two hundred fifty (250)~~ five hundred (500) square feet.

2. Free Standing Sign. One (1) free standing sign (pole or monument sign) shall be allowed per lot.

   a. Monument Sign. The total sign area of the monument sign shall not exceed ~~one hundred (100)~~ two hundred (200) square feet with a maximum of ten (10) feet in height above the average grade. The monument sign materials, color and related elements shall be consistent with the overall site design and architecture of the principal building on the lot and is subject to the approval of the Planning Department.

   b. Pole Sign. The total sign area of the pole sign shall not exceed ~~seventy-five (75)~~ one hundred (150) square feet with a maximum height of twenty-five (25) feet in height above the average grade.

      Pole signs that are adjacent to principal arterial roadways may increase in height to twenty-five (25) feet above roadway centerline up to a max height of fifty (50) feet above grade.

   c. Electronic Message Center (EMC). The total EMC sign area shall not exceed 40% of the allowable square footage (per side for double sided signs). Displays may not change or move more often than once every ten (10) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Off-premises advertisements are prohibited.

      Messages shall change instantaneously and shall not fade, change color, dissolve, blink, or appear to simulate motion in any way. Use of animation, frame effects, video and flashing components is prohibited. The display must freeze in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign

owner/operator must immediately stop the display when notified by the County that it is not in compliance with this chapter.

3. Wall Sign. The total sign area of wall signage shall not exceed one (1) square foot of sign area for each lineal foot of building frontage up to a maximum of two hundred (200) square feet.

4. Real Estate Sign. For the purpose of selling or promoting a commercial or an industrial project, one real estate sales sign not to exceed a total of one hundred thirty (130) square feet with no more than two (2) surfaces, may be erected upon the project site.

11-6 PROHIBITED SIGNS

The following types of signs are expressly prohibited in all zoning districts:

1. No sign shall contain any indecent or obscene picture or wording.

2. Roof signs including signs mounted on a roof surface or projecting above the roof line or a structure if either attached to the structure or cantilevered over the structure.

3. Revolving and moving signs.

4. Flashing and animated signs.

5. No private sign shall be erected that resembles any official marker erected by a government agency nor shall any private sign display words such as "stop" or "danger", or otherwise constitute a traffic hazard.

6. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

7. No sign shall be painted directly on the roof or outside wall of a building. Works of art that are not commercial messages are exempt.

8. Signs affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to an activity located on the same or a nearby property shall be prohibited. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited.

9. No sign shall be painted on fences, rocks, or similar structures or features, nor shall paper or similar signs be attached directly to a building wall with adhesive or similar means.

10. Signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress of any building or structure.

11. Signs within the public right-of-way except for those listed in Section 11-2.

12. Balloon/inflatable signs. A flexible, inflated bag in various shapes and colors.

13. Banners, streamers, pennants signs. Attention-getting devices that are composed of lightweight material.

14. Bench signs. A sign affixed to a bench.

15. Portable signs.

16. Projection signs. Wall signs shall be mounted parallel to the building and shall not project more than eighteen (18) inches from the face of the building.

17. No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.

18. Dynamic display signs.

19. Any other sign which is not in conformance with the regulations provided herein.

11-7 ADVERTISING SIGNS/BILLBOARDS

1. Advertising signs/billboards may be permitted as a conditional use in the industrial district along Interstate 35 or U.S. Highway 169 providing the total square footage of both sides of the sign area is not more than six hundred (600) square feet.

2. No advertising sign/billboard shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.

3. No advertising sign/billboard shall be located closer than thirteen hundred (1300) feet horizontal distance from any other advertising sign measured

in any direction. Advertising signs shall not exceed thirty (30) feet above the average ground level at the base of sign.

4. Dynamic display advertising signs/billboards shall be prohibited.

11-8 SIGN REMOVAL

Any sign which is erected or maintained contrary to the provisions of this Ordinance; or for which no permit has been obtained; or which is abandoned is hereby declared to be public nuisance, illegal and non-conforming. The County may enter upon the land where the sign is located and may remove and dispose such sign after a hearing as provided by law, and after thirty (30) days' notice to the owner and lessee, if known. No compensation shall be paid for any sign to be removed or disposed of pursuant to this Section. If the County receives any proceeds from the sign, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner of the sign, if known. Any costs incurred by the County which are not reimbursed may be assessed against the property upon which the sign was located as a special assessment. For the application of these regulations, "abandoned" shall be determined by the Planning Department.

11-9 SIGN MAINTENANCE

1. All signs shall be maintained in a safe, presentable and sound structural condition at all times. Maintenance shall include painting, cleaning, replacement or repair of defective or vandalized parts.

1. The owner of any sign shall be required to have such sign property painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.

2. The owner or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet surrounding the sign.

11-10 OBSOLETE SIGNS

Any sign and its structure which is erected without a permit or no longer advertises a bona fide business conducted, or a product no longer sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land

upon which the sign may be found within ten (10) days after written notification from the Planning Department.

11-11 UNSAFE OR DANGEROUS SIGNS

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign is located within ten (10) days after written notification from the Planning Department.

11-12 ADMINISTRATION/SIGN PERMITS

11-12-1 Sign Permit Requirements

1. No signs, except exempted signs, shall be erected, constructed, altered, rebuilt, or relocated until a sign permit has been issued by the County. The sign permit shall be reviewed and processed administratively subject to the procedures and criteria outlined in Section 2-8 of this Ordinance. A fee established by the County Board shall accompany each sign permit application.

2. Complete permit application, signed and dated by applicant and landowner.

3. Two (2) copies of an accurate survey or plot plan of the property, at such scale as the Planning Department shall reasonably require. The Planning Department may also require the applicant locate lot corners on the site to verify the sign location.

4. An accurate indication on the survey or plot plan of the location, area, and dimensions of each existing wall and freestanding sign, proposed sign, and proposed future sign(s) of any type, whether requiring a permit or not. The survey or plot plan shall identify the setback distances from property lines and rights-of-way.

5. Two (2) copies of design specifications including: graphic representation of the sign face, lighting, location of each sign on the building, sign materials, and sign dimensions.

6. Plans, specifications, and method of construction or attachment to the building or in the ground, including all dimensions, showing all light

sources, wattage, type and color lights, and details of any light shield or shades.

7. If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the State for the sign.

8. If the work authorized under a sign permit has not been completed within twelve (12) months after the date of issuance, the permit shall lapse and be of no further force and effect.

11-12-2 Exemptions

The following is a list of signs exempt from obtaining a sign permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter.

1. Name plate signs not exceeding two (2) square feet of display surface on residential property stating only the name, address, and profession of the occupant.

2. One (1) nameplate sign per occupant, not to exceed two (2) square feet shall be allowed.

3. Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar materials or made of bronze, steel, aluminum, or other permanent type of construction and made an integral part of the structure.

4. Real estate signs under twelve (12) square feet of surface area with no more than two (2) surfaces.

5. Election signs.

6. Temporary signs.

7. Crop demonstration and agricultural product related signs.

8. Ideological, non-commercial signs.

9. Signs on private property requesting “No Trespassing”, “No Hunting”, etc.

10. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement or on-site changed involving a sign painted elsewhere then directly on a building.

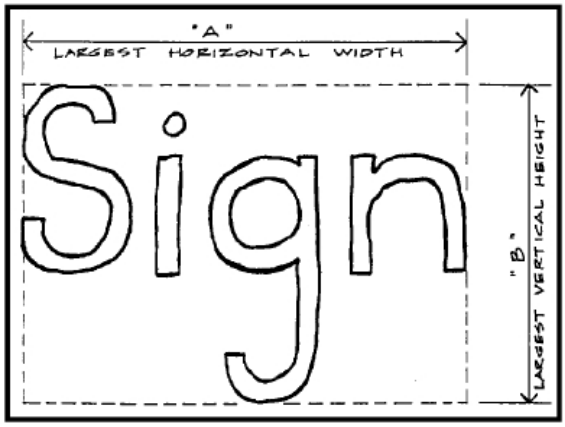
11. Construction signs under twelve (12) square feet of surface area with no more than two (2) surfaces.

12. Any signs authorized by a governmental unit and approved by the County such as directional, street name, traffic, safety, danger and parking signs.

11-13 CALCULATING SIGN AREA

1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign form the backdrop or structure against which it is placed. The structural supports for the sign, whether they are columns, pylons, or a building, or part thereof, shall not be included in the calculation of the advertising display area. Each sign face will be calculated separately.

2. Individual Letters. When attached to the surface of a building, canopy, awning, wall or window, the sign area shall be calculated as that part of the smallest rectangle or other geometric shape that encompasses all of the letters or symbols. The sign area shall include all lettering, wording, and accompanying designs or symbols.



CHAPTER 12: ENERGY SYSTEMS (WIND AND SOLAR)

12-1 PURPOSE AND INTENT

The purpose of this Section is to regulate the installation and operation of Wind Energy Conversion Systems (WECS) and Solar Energy Systems within Scott County not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697.)

The Scott County Comprehensive Plan supports the use of renewable and alternative energy sources to reduce greenhouse gases and protect the natural environment. The plan's goal #XI-5 states that "efficient energy consumption, conservation, the use of renewable technologies, and energy responsible land use decisions should be a priority in Scott County."

12-2 DEFINITIONS

WECS - Wind Energy Conversion System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

Commercial WECS - A WECS of equal to or greater than 40 kW in total name plate generating capacity.

Non-Commercial WECS - A WECS of less than 40 kW in total name plate generating Capacity.

Community Solar Energy System (also called a "Solar Garden") – a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, under the provisions of Minn. Statutes 216B.1641 or successor statute.

Feeder Line - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Passive Solar Energy System – see Definition in Chapter 1.

Rotor diameter - The diameter of the circle described by the moving rotor blades.

Solar Array – Any number of solar photovoltaic modules or panels connected together to increase voltage and/or power to the level required for a given system.

Solar Collector – see Definition in Chapter 1.

Solar Energy System – see Definition in Chapter 1.

Solar Energy System, Ground Mounted – A solar energy system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building.

Solar Energy System, Roof-top – A solar energy system mounted on the roof of a building and is accessory to the principal land use.

Solar Structure – see Definition in Chapter 1.

Total Height of WECS - The height shall be measured from the surrounding grade to the rotor blade tip at its highest extension.

Tower for WECS - Towers include vertical structures that support the electrical generator or rotor blades.

Wind Turbine - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

12-3 GENERAL REQUIREMENTS - WECS

12-3-1 Safety Design Standards

1. Engineering Certification. For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

2. Clearance. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.

3. Warnings. For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage.

4. Unauthorized Climbing. The WECS shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be

unclimbable by design or be enclosed by a six (6) foot high, unclimbable fence with a secured access.

12-3-2 Standards

1. Number per Lot. No more than one (1) WECS per lot shall be permitted.

2. Tower configuration. All wind turbines, which are part of a Commercial WECS, shall be installed with a tubular, monopole type tower. All wind turbines that are Non-Commercial WECS shall be installed with monopole or lattice tower type; no guyed towers shall be permitted.

3. Color and Finish. All wind turbines and towers that are part of a Commercial WECS shall be white, grey or another non-obtrusive color. Finishes shall be matt or non-reflective.

4. Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration (FAA) permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

5. Other Signage. All signage on site shall comply with Chapter 11 of the Scott County Ordinance. The manufacturers or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.

6. Feeder Lines. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

7. Waste Disposal. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8. Discontinuation and Decommissioning. A WECS shall be considered a discontinued use after 45 days without energy production, unless a plan is developed and submitted to the Scott County Planning Manager outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.

Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

9. Orderly Development. Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program staff of the project location and details on the survey form specified by the Environmental Quality Board.

12-3-3 Performance Standards

1. Noise. All WECS shall comply with Minnesota Rules 7030 governing noise.

2. Electrical Codes and Standards. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

3. Federal Aviation Administration (FAA). All WECS shall comply with FAA standards and permits.

4. Minnesota State Building Code. All WECS shall comply with the International Building Code as adopted by the State of Minnesota Building Code.

5. Interference. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

6. Maximum Height. The maximum height for a non-commercial WECS shall be 120 feet in all zoning districts. The maximum height for a commercial WECS shall be 300 feet in the UER, UBR, and ~~U~~TR zoning districts.

12-4 REQUIRED PERMITS - WECS

No person, firm or corporation shall erect, construct in place, re-erect, replace or make structural repairs to any tower without making application for and receiving proper zoning approval and building permit(s), when applicable. In all cases, review by the Scott County Building Official for all required permits will be necessary. All necessary zoning approvals shall be applied for and reviewed under the procedures established in Chapter 2 of this Ordinance.

12-5 SUBMITTAL REQUIREMENTS - WECS

1. The names of project applicant.

2. The name of the project owner.

3. The legal description and address of the project.

4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.

5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.

6. Engineer's Minnesota State certification and project design specifications.

7. Documentation of land ownership or legal control of the property.

12-6 ADDITIONAL SUBMITTAL REQUIREMENTS FOR COMMERCIAL WECS

1. The latitude and longitude of individual wind turbines.

2. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the Proposed WECS.

3. Location of wetlands, scenic, and natural areas including bluffs within 1,320 feet of the proposed WECS.

4. FAA Permit Application.

5. Location of all known Communications Towers within 2 miles of the proposed WECS.

6. Decommissioning Plan.

7. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

12-7 DISTRICT REGULATIONS

1. WECS shall be allowed in applicable zoning districts based on the generating capacity and land compatibility as listed in Table 20-4.

12-8 SETBACKS - WIND TURBINES

1. In all zoning districts, the setback of any WECS or associated structures from neighboring property lines and Right-of-Way shall be the distance of 1.1 times the total height.

12-9 GENERAL REQUIREMENTS – COMMUNITY SOLAR ENERGY SYSTEMS

This section is established to protect and promote health, safety and general welfare with the county through uniform standards, regulations and procedures governing the type, size, structure, location, height, erection and use of Community Solar Energy Systems.

12-9-1 Rooftop Community Solar Energy Systems

1. Building Permit. A rooftop community solar energy system is a permitted accessory use in all zoning districts. The owner or contractor shall receive a building permit and/or mechanical permit before installing a rooftop community solar energy system. All rooftop systems shall meet the standards of the Minnesota Building Code.

2. Placement. A rooftop community solar energy system shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the owner to reasonably capture solar energy. Rooftop systems shall not exceed the maximum height in any zoning district.

3. Pitched Roofs. On pitched roofs with a slope greater than 15%, solar panels shall be flush-mounted and shall not exceed above the peak of the roof.

4. Glare. All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or rooftop screening. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the County determines that such glare constitutes a nuisance, the County shall require a more detailed glare study – prepared by a third-party consultant mutually acceptable to the County, Township and applicant – to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.

12-9-2 Ground Mounted Community Solar Energy Systems

1. Use. A ground mounted community solar system, as an accessory or a principal use, shall be allowed under a Conditional Use Permit (CUP) or Interim Use Permit (IUP) in applicable zoning districts as listed in Table 20-4.

2. Prohibitions. Ground mounted community solar energy systems are prohibited in the following areas:

    a. Shoreland and Floodplain Districts as designated by the Minnesota Department of Natural Resources (DNR) and the Scott County Zoning Ordinance.

    b. Within 600 feet of any property designated or protected from development by Federal, State or County agencies as wildlife habitat and wildlife management areas. Property designated as public parkland or park reserve shall not be subject to this setback requirement.

    c. Within wetlands to the extent prohibited by the Minnesota Wetlands Conservation Act.

    d. Within any safety zones identified in an Airport Zoning Ordinance.

    e. Within the Bluff Overlay District per Chapter 6 of this Ordinance.

    f. Within any recorded easement - such as but not limited to utility, ditch, conservation, or storm water - unless authorized in writing by the easement holder.

g. Within Orderly Annexation Agreement (OAA) areas and the City of Jordan's anticipated 2030 growth boundary, as amended over time.

h. Within a Metropolitan Urban Service Area (MUSA). This includes Undesignated, Undesignated Reserve, 2030, 2040, and future adopted MUSA boundaries.

i. Within two (2) miles of a proposed or permitted Community Solar Energy System site as defined under this Chapter. Separation will be measured from the parcel boundary with the permitted community solar garden to the nearest parcel boundary of the proposed community solar garden.

3. Maximum Size and Capacity. No more than one (1) Community Solar Garden System per parcel shall be permitted, and the one (1) System or co-location of Systems shall have a maximum power capacity of one (1) megawatt AC and shall be no greater than ten (10) acres in size.

4. Site Access. Any driveway or site access off a state, county or township road shall meet the requirements of Section 5-2 of this Ordinance.

5. Signage. No advertising signage is allowed. Manufacture and equipment information, warning, security or indication of ownership signage on the site shall comply with Chapter 11 of the Scott County Ordinance.

6. Power and Communication Lines. All on-site power and communication lines running between banks of solar panels and buildings, and all off-site lines running between the solar energy system to electric substations or interconnections, shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

7. Waste Disposal. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8. Stormwater Management and Erosion Control. Systems shall meet the requirements for stormwater management and erosion and sediment control as per Chapter 6 of this Ordinance. Any System that will result in the creation of one (1) or more acres of new impervious surface will require a Resource Management Plan per Chapter 6 of this Ordinance.

9. Interconnection. The owner, developer or operator of the Community Solar Energy System must submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the County issuing any building permits associated with the System. Off-grid systems are exempt from this requirement. The interconnections shall require no more than two (2) utility poles and a ground utility cabinet or three (3) utility poles total.

10. Decommissioning Plan. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life and that the site is properly restored. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of Scott County Solid Waste Ordinance. The County will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning, equal to 125% of the estimated amount.

11. Noise. All Community Solar Energy Systems shall comply with Minnesota Rules 7030 governing noise.

12. Electrical Codes and Standards. All Community Solar Energy Systems and accessory equipment shall comply with the National Electrical Code and other applicable standards. Photovoltaic solar energy system components must have an Underwriters Laboratory (UL) listing or other third-party certification provided by an American National Standards Institute accredited organization.

13. Minnesota State Building Code. All Community Solar Energy System structures shall comply with the International Building Code as adopted by the State of Minnesota Building Code.

14. Maximum Height. Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.

15. Glare. All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or site screening, berming, or buffering. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the County

determines that such glare constitutes a nuisance, the County shall require a more detailed glare study – prepared by a third-party consultant mutually acceptable to the County, Township and applicant – to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.

16. Setbacks. All equipment and structures shall meet the front, side and rear yard setbacks for principal structures for the zoning district in which the system in located.

17. Security Fencing. All boundary line fencing shall be located entirely upon the property of the System. Fences shall consist of open fencing such as chain link or barbed wire. Fences shall not exceed eight (8) feet in height, which includes barbed wire toppings.

18. Screening. A berm (2:1 maximum slope with supplemental plant materials including trees, shrubs, and groundcovers) and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces (a.) public road right-of-way, b.) an existing residence or farmstead not on the subject parcel, or c.) residentially zoned or platted property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at time of planting shall be a minimum of ~~four (4)~~ six (6) feet in height and which shall be maintained at maturity at a height of eight (8) feet in height to screen the fence.

12-10 REQUIRED PERMITS – COMMUNITY SOLAR ENERGY SYSTEMS

No person, firm or corporation shall erect, construct in place, re-erect, replace or make structural repairs to any community solar energy system without making application for and receiving proper zoning approval and building permit(s), when applicable. In all cases, review by the Scott County Building Official for all required permits will be necessary. All necessary zoning approvals shall be applied for and reviewed under the procedures established in Chapter 2 of this Ordinance.

12-11 SUBMITTAL REQUIREMENTS – COMMUNITY SOLAR GARDEN SYSTEMS

1. The names of project applicant.

2. The name of the project owner.

3. The legal description and address of the project.

4. Documentation of land ownership or legal control of the property.

5. A description of the project including: ownership or lease arrangement, the proposed installed maximum capacity, in kilowatts, for the site, proposed type of mounting and racking systems, along with manufactures specifications or engineering designs for mounting and racking, the method of connecting the system to the electric load; the types of panels that will be installed.

6. Site Plan, drawn to scale, including:
    a. existing and proposed structures;
    b. property lines;
    c. existing and proposed fencing;
    d. surface water drainage patterns;
    e. the location of county and private tile drainage systems;
    f. floodplains;
    g. wetlands;
    h. shore land zones;
    i. topography at two (two) foot intervals, and bluffs;
    j. the location, size and spacing of solar panels,
    k. the location of existing and proposed access roads,
    l. the location of underground or overhead electric line connections,
    m. existing easements on the property,
    n. in-use wells and sewage treatment systems,
    o. abandoned wells, sewage treatment sites and dumpsites
    p. all other characteristics requested by the County.

7. Existing vegetation (list type and percentage of coverage) and soils information for the proposed site.

8. Landscape and Screening Plan prepared by a licensed landscape architect and include a narrative describing the overarching landscape architecture elements and how the design and placement of plant types and materials will complement the form and function of the developed site and blend into the surrounding environment.

9. Erosion/Sediment Control Plan or Resource Management Plan, if required. Include details on any proposed native grasses or plantings on the site.

10. Glare Study, if required

11. A copy of the interconnection agreement with the local electric utility

12. Decommissioning Plan.

CHAPTER 13: WIRELESS COMMUNICATION TOWERS AND ANTENNAS

13-1 PURPOSE

The County of Scott acknowledges the legal right of wireless communications providers to locate within the County. However, the County wishes to implement its legal authority to adopt zoning requirements which are nondiscriminatory, not intended to prohibit telecommunications service, and not based on health effects of radio frequency emissions. In order to establish uniform, nondiscriminatory regulations that protect the public health, safety and general welfare of the County, these regulations are intended to:

1. Minimize adverse visual effects of towers through careful design, landscaping, and siting standards.

2. Avoid potential damage to adjacent properties from tower failure and weather related occurrences through structural standards and setback requirements.

3. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

4. Utilize business, industrial and public land, buildings and structures for wireless communications whenever possible and/or appropriate.

5. Provide for the appropriate location and development of towers and antennas to accommodate the communication needs of the residents and businesses in Scott County.

    a. Towers are a permitted use with an administrative permit and issuance of a Certificate of Compliance for the following:

        (1) Towers and/or antennas erected temporarily for test purposes, or for emergency communications or interim periods.

        (2) Adjustment, placement or replacement of the elements of an antenna array affixed to a tower or antenna.

b. Conditional use permits shall be required for towers in the following areas:

(1) Rural Residential Reserve, Urban Business Reserve, Urban Expansion Reserve, and ~~Urban~~ Transition Reserve Zoning Districts limited to monopoles not to exceed one hundred fifty (150) feet in height.

(2) Government, church, institutional and public land or structures.

(3) Athletic complexes.

(4) Parks and golf courses, when compatible with the nature of the park or course.

(5) Parking lots where a required monopole replicates, incorporates or substantially blends with the overall lighting standards of the parking lot.

c. Antenna Co-Locations are a Permitted Use with the Issuance of an administrative permit for the following locations:

(1) Water towers.

(2) Co-location on existing telecommunications towers.

(3) Sides or roofs of structures over two stories.

(4) Church steeples.

(5) Existing power or phone pole structures.

(6) Existing towers supporting amateur radio antennas in the agricultural districts.

13-2 GENERAL REQUIREMENTS

1. General wireless communication towers shall be of a monopole design. This provision does not apply to amateur radio towers or commercial and public radio or television towers.

2. No tower shall exceed two hundred (200) feet in height, including the extension of any antenna or apparatus within the Agricultural, General Commercial, and Rural Industrial Zoning Districts. No tower shall exceed one hundred fifty (150) feet in height including the extension of any antenna or apparatus within the Rural Residential Reserve and Urban Reserve Zoning Districts.

3. Proposed towers up to one hundred twenty-five (125) feet tall shall be designed structurally, and in all other respects, to accommodate both the applicant's antenna and compatible antennas for at least one (1) other wireless provider. Towers in excess of one hundred twenty-five (125) feet shall provide for a minimum of three (3) wireless users. Towers must be designed to allow for future arrangement of antennas upon the tower, to accept antennas mounted at suitable heights, and to locate all ground equipment of each provider within a single enclosed structure.

4. All communication towers, antennas, accessory structures, and associated equipment shall be insured against injury or property damage caused by structural failure of the tower or associated equipment. The applicant shall show proof of such insurance during the permitting process.

5. No part of any tower or antenna, nor any lines, cables, equipment, wires or braces shall at any time extend across or over any part of the right-of-way of a public street or a property line without approval by the County through the conditional use permit.

6. No tower shall be located within any utility or drainage easement.

7. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.

8. A signed lease, memorandum of lease, or document requiring the removal of towers and antennas as indicated in Section 13-6.

9. All towers, antennas, and accessory structures shall be in compliance with all County and State Building Codes, as applicable, and shall obtain necessary permits.

10. Structure design, mounting and installation of the tower and antenna shall be in compliance with the manufacture's specifications. The plans shall be approved and certified by a licensed professional engineer.

11. When applicable, written authorization for tower and antenna erection shall be provided by the property owner.

12. Tower and antennas shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable provisions of all State codes.

13. All towers shall be constructed of corrosive-resistant steel or other corrosive-resistant, non-combustible materials.

14. All towers, tower anchors and tower accessory buildings, shall be surrounded by security fences six (6) feet in height with a locked gate unless waived by the Planning Advisory Commission. The Planning Advisory Commission may require that a monopole be fenced.

15. Gravel or other durable surface, or other weed prevention measures, shall be applied within the fenced area surrounding the tower and anchors to prevent the growth of weeds, if required by the Planning Advisory Commission.

16. All transmitting, receiving and switching equipment shall be housed within a structure or cabinet whenever possible. If a new tower accessory building is necessary to house such equipment, it shall be architecturally designed to blend in with the surrounding environment and shall be screened from view by landscaping where applicable.

17. The tower shall have an exterior finish of lighter blue, gray or other color which minimizes visibility off-site, unless otherwise required by FAA regulations.

18. No tower or antenna shall have lights, reflectors, flashers, daytime strobe lights, night- time red lights, or other illuminating devices affixed or attached, unless required by the FAA or FCC.

19. Existing vegetation on the site shall be preserved to the maximum extent possible.

20. The Planning Department is authorized to employ, on behalf of the County, an independent technical expert to review technical materials submitted by the applicant, or to determine if additional information is necessary. The applicant shall pay the cost of such review and/or independent analysis.

21. Any tower, antenna and related equipment shall comply with all federal, state and local regulations.

13-3 REQUIRED PERMITS

No person, firm or corporation shall erect, construct in place, re-erect, replace or make structural repairs to any tower without making application for and receiving an proper zoning approval and building permit, when applicable. In all cases, review by the Scott County Building Official for all required permits will be necessary.

13-4 SUBMITTAL REQUIREMENTS

1. Township recommendation.

2. Legal description of the property.

3. Survey and/or general site plan consistent with Section 2-10 of this Ordinance of the tower and related facilities, as determined by the Planning Department.

4. One or more-color computer-generated photographs depicting the proposed tower located on the site.

5. If a co-locator, information on non-interference.

6. Information on non-interference with public safety telecommunications.

7. Proof of insurance against injury and property damage.

8. Written authorization by the owner of the land for the tower construction.

9. A recordable agreement, lease or other instrument imposing liability and responsibility upon the owner of the property and the owner of the tower for the removal of the tower upon cessation of use.

10. Documentation that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within one (1) mile radius.

11. A plan illustrating all known future location sites for communication towers and/or antennas.

12. Information to indicate that construction, installation, and maintenance of the tower will not create a safety hazard or damage to adjacent properties.

13. Copies of all required federal, state and local licenses.

14. A capacity analysis and coverage analysis, as required, prepared by a qualified radio frequency analyst, showing alternate sites considered and the proposed tower site is necessary to meet the needs of the system, and that the tower cannot be located in a less restrictive district, or be accommodated by co-location on an existing tower or structure.

15. Landscape and/or screening plan, if necessary.

16. Any additional information as deemed necessary by the Planning Department.

13-5 NON-INTERFERENCE

1. No provider shall interfere with the operation of radios, televisions, telephones, facsimile machines, computer modems, telephone answering machines, and other electronic devices. Any such interference shall be corrected as soon as possible by the provider.

2. No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the County at least ten (10) calendar days in advance of such changes and allow the County to monitor interference levels during the testing process. All costs incurred by the County to monitor interference levels during the testing process shall be paid to the County by the applicant.

13-6 REMOVAL OF ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS

Any tower and/or antenna which is not used for six (6) successive months shall be deemed abandoned and may be required to be removed from the property. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved in writing by the Planning Department. After the facilities are removed, the site shall be restored to its original or an improved state. If a tower is not removed within twelve (12) months after the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property. The owner of the tower and the owner of the property are both responsible for removal of the tower as required by this section.

13-7 CO-LOCATION REQUIREMENTS

1. The placement of wireless telecommunication antennas or satellite dishes on roofs, walls, and existing towers may be approved by the Planning Department with a certificate of compliance, after submittal of a site plan and construction plans, and the submittal of a report, prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing antenna to the structure.

2. The height of any rooftop or wall antenna, or satellite dishes, including its support structure, shall not exceed fifty (50%) percent of the total building height or fifteen (15) feet above the highest point of the roof, whichever is less.

3. Any proposed tower shall be designed, structurally, electrically and in all other respects, to accommodate both the applicant's antennas and comparable antennas for one or more additional users if the tower is 100 feet or more in height, or for at least one additional user if the tower is over 75 feet and less than 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at suitable heights.

4. Submission of a coverage analysis as indicated in 13-9.4 of this Chapter.

5. Accessory equipment associated with a rooftop antenna, satellite dishes, or wall antenna shall be located within the building, cabinet, or within a roof or ground enclosure which is constructed of materials and color scheme compatible with the principal building.

13-8 LIGHTS AND OTHER ATTACHMENTS

Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC) or state agency, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

13-9 NEW TOWER REQUIREMENTS

A proposal for a new personal wireless service tower shall not be approved unless it can be documented by the applicant to the satisfaction of the Planning Department that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within a one (1) mile radius, transcending municipal, county or township borders, of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of an existing or approved tower or building, as documented by a licensed professional engineer, and any existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference with other existing or planned equipment at the tower or structure.

3. Existing or approved towers and structures within a one (1) mile radius cannot accommodate the planned equipment at a height necessary for reasonable function.

4. The applicant has demonstrated that location of the antennas, as proposed is necessary to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district or an existing structure. Information provided as part of the county-wide capacity analysis, that is a trade secret, pursuant to Minnesota Statute 13.37, shall be classified as non-public data.

5. Other unforeseen reasons that make it unfeasible to locate the telecommunications equipment upon an existing or approved tower or building.

13-10 EXISTING AND DAMAGED TOWERS AND ANTENNAS

Towers, antennas and tower accessory buildings in existence as of the date of adoption of this Chapter which do not conform to or comply with this Ordinance are subject to the following provisions:

1. Towers, antennas and tower accessory buildings in existence as of the date of adoption of this Chapter may continue for the purpose now used and as now existing.

2. If such towers are damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit, but without otherwise complying with this Chapter. Provided, however, that if the cost of repairing or restoring such damaged or destroyed tower or antenna would be fifty percent (50%) or more, as estimated by the County, of the cost of purchasing and erecting a new tower or antenna of like kind and quality and to the former use, physical dimensions and location, then the tower or antenna may not be repaired or restored except in full compliance with this Chapter.

13-11 TEMPORARY MOBILE CELL SITES

Temporary mobile cell sites are permitted with a certificate of compliance in the case of equipment failure or testing, or interim period after administrative approval and permits are approved. Such interim situations shall be limited to no more than thirty (30) days from the date of issuance of the conditional use permit or certificate of compliance. Temporary mobile cell sites shall be removed within seventy-two (72) hours following completion of testing, the installation of the permanent tower, or resolution of equipment failure.

13-12 REQUIRED SETBACKS

1. In all zoning districts, the setback of any tower or antenna shall comply with the minimum setback requirements of the district in which the tower is to be located, or the distance determined as the fall zone of the tower by a licensed professional engineer, whichever is greater.

2. In all zoning districts, no monopole shall be located within two hundred fifty (250) feet of an existing residence, or the proposed home location on an approved preliminary plat. No other type of tower shall be located within five hundred (500) feet of an existing residence, or the proposed home location of an approved preliminary plat.

3. Guy wires and anchors need not meet the required setbacks.

4. All towers shall be located in the side or rear yard of a principal structure of a property, whenever applicable.

CHAPTER 14: SEXUALLY ORIENTED USES

14-1 FINDINGS AND PURPOSE

Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult establishments have on those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the Scott County Board of Commissioners concludes:

1. Adult establishments have adverse secondary impacts of the types set forth above.

2. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, and health requirements.

3. It is not the intent of the County Board to prohibit adult establishments from having a reasonable opportunity to locate in the County.

4. Minnesota Statutes, section 394.21, allows the County to adopt regulations to promote the public health, safety, morals and general welfare.

5. The public health, safety, morals and general welfare will be promoted by the County adopting regulations governing adult establishments.

14-2 ADULT USE DEFINITIONS

Sexually Oriented Uses. Uses which include a sexually oriented arcade; sexually oriented bookstore, sexually oriented video store; sexually oriented store; sexually oriented cabaret; sexually oriented conversation/rap parlor; sexually oriented massage parlor; sexually oriented motel; sexually oriented motion picture theater; sexually oriented steam room, bath house or sauna; sexually oriented theater; escort agency; nude model studio; sexual encounter center and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as “obscene” as defined by Minnesota Statutes, section 617.241 are not included.

1. <u>Specified Anatomical Area</u> - means any of the following:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola;

b. Human male genitals in a discernible turgid state even if opaquely covered.

2. Specified Sexual Activities - includes any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated; or

d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

3. Sexually Oriented Uses – Accessory - The offering of retail goods for sale which are classified as sexually oriented uses on a limited scale, and which are incidental to the primary activity, and goods and/or services offered by the establishment. Examples of such items include the sale of sexually oriented books or magazines, or the sale and/or rental of sexually oriented motion pictures, the sale of sexually oriented novelties.

4. Sexually Oriented Uses – Principal - The offering of goods and/or services which are classified as sexually oriented uses as a primary or sole activity of a business, organization or establishment and include, but are not limited to the following:

a. Escort - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

b. Escort Agency - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

c. Establishment/Business/Organization - Means and includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business; whether or not a sexually oriented business, to any sexually oriented business.

(3) The addition of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.

d. Nude Model Studio - Any place where a person who appears in a state of nudity or displays “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

e. Nudity or State of Nudity - Nudity or State of Nudity is described as follows:

(1) The appearance of a human bare buttock, anus, genitals, or female breasts; or

(2) The state of dress which fails to opaquely cover a human buttock, anus, genitals, or areola of the female breast.

f. Semi-Nude - A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

g. Sexual Encounter Center - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling in a sexual manner between persons of the opposite sex; or

(2) Activities between persons when one or more of the persons is in a state of nudity or semi-nude.

h. Sexually Oriented Arcade - Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.

i. Sexually Oriented Bookstore, Sexually Oriented Video Store, or Sexually Oriented Store - A commercial establishment which as a principal

business purpose offers for sale or rental, for any form of consideration, any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films motion pictures, video cassettes or video reproductions, compact discs, computer software, digital recordings, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”, or

(2) Instruments, devices, or paraphernalia, which are designed for, or use in connection with “specified sexual activities”.

j. Sexually Oriented Cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity; or

(2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or

(3) Films, motion pictures, video cassettes, slides, compact discs, computer software, digital recordings or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

k. Sexually Oriented Conversation/Rap Parlor - A conversation/rap parlor which excludes minors by reason of age, or which provides for any form of consideration, the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

l. Sexually Oriented Massage Parlor - A massage parlor which excludes minors by reason of age, or which provides for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

m. Sexually Oriented Motel - A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public, for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the

depiction or description of “specified sexual activities” or specified anatomical areas”, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

n. Sexually Oriented Motion Picture Theater - A commercial establishment which excludes minors by reason of age, or where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

o. Sexually Oriented Sauna - A sauna which excludes minors by reason of age, or which provides, for any form of consideration, a steam bath or heat bathing room used for the purpose of bathing, relaxing, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

p. Sexually Oriented Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”.

14-3 GENERAL REQUIREMENTS

1. Purpose. The purpose of this Chapter is to establish provisions for the opportunity as well as controls of sexually oriented uses within the County of Scott.

2. General Provisions. Sexually oriented uses as defined in this ordinance shall be subject to the following general provisions:

   a. Activities classified as obscene as defined by Minn. Stat. § 617.241 are not permitted and are prohibited.

   b. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building, which is also used for residential purposes.

2. c. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building, which is also licensed to sell intoxicating liquor, non-intoxicating malt liquor, or wine.

d. A sexually oriented use which does not qualify as a sexually oriented use-accessory, shall be classified as a sexually oriented use-principal.

14-4 SEXUALLY ORIENTED USES - PRINCIPAL

Sexually Oriented Uses-Principal are permitted with a Conditional Use Permit in the I-1 (Rural Industrial) District, subject to the following conditions:

1. Sexually oriented uses-principal shall be located at least one thousand (1,000) radial feet, as measured in a straight line from the closest point of the property line of the building in which the sexually oriented use-principal is located, to the property line of:

   a. Property zoned A-1, A-2, A-3, RR-1, RR-1C, RR-2, RR-3, UER, UER-C ~~U~~TR, ~~U~~TR-C, RBR and UBR.

   b. Another sexually oriented use-principal.

   c. Property used for residential purposes.

   d. Church or cemetery.

   e. Schools.

   f. Day cares.

   g. Public library.

   h. Government Buildings.

   i. Medical Buildings.

   j. Campgrounds.

   k. Public parks/trails.

   l. State or Federal Wildlife refuge.

   m. On/off sale liquor establishments.

   Sexually oriented use-principal shall be located at least five hundred (500) feet, as measured in a straight line from the closest point of the property line of the building in which the sexually oriented use-principal is located, to the right-of-

way of a street with an average daily traffic count of 10,000 or more, as noted on the most recent Traffic Volume Map from the Minnesota Department of Transportation and Scott County.

3. Sexually oriented use-principal activities, as defined by this ordinance, shall be classified as one use. No two (2) sexually oriented uses-principal shall be located in the same building or upon the same property and each use shall be subject to subsection (1) above.

4. Sexually oriented uses-principal shall, in addition to other sign requirements established by County code or ordinance, also adhere to the following signing regulations:

    a. Sign messages shall be generic in nature, not use any sexually oriented materials or entertainment and shall only identify the type of business which is being conducted.

    b. Sign shall not contain material classified as advertising.

    c. Signs shall comply with requirements of size and number of the district in which they are located.

5. Both the owner and manager of a Sexually Oriented Uses-Principal shall be responsible for the conduct of their employees and for compliance with this section.

6. No owner or manager of a Sexually Oriented Uses-Principal shall employ a person under the age of eighteen (18) years.

7. No owner, manager, or employee of a Sexually Oriented Uses-Principal shall have been convicted of violating this section two (2) or more times within twenty-four (24) months or a similar ordinance or code of another jurisdiction.

8. No owner, manager, or employee of a Sexually Oriented Uses-Principal shall have been convicted of a sex crime, as identified in Minnesota Statutes Sections 609.293 through 609.352, 609.746 through 609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity, or domestic abuse.

9. The business owner, manager, or employee of a Sexually Oriented Uses-Principal shall ensure that no person under the age of eighteen (18) years enters the business.

10. No owner, manager, or employee of a Sexually Oriented Uses-Principal shall allow any person under the age of eighteen (18) years to have access to sexually oriented materials, whether by sight, purchase, touch, or any other means.

11. No owner, manager, or employee of a Sexually Oriented Uses-Principal may sell or display for sale any sexually oriented material except in original, unopened packages.

12. No owner, manager, or employee of a Sexually Oriented Uses-Principal shall allow sexually oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.

13. A Sexually Oriented Uses-Principal shall only be open between 7:00 a.m. and 10:00 p.m., local time, Monday through Saturday.

14. No Sexually Oriented Uses-Principal shall have any booths, stalls or partitions which separate any area from a general public room. The restrictions of this paragraph do not apply to restrooms, storage rooms, or private offices of the owner, manager or employees of the business, if such storage rooms are used solely for the running of the business and no person other than the owner, manager, and employees are allowed in the storage rooms or offices.

15. Each Sexually Oriented Uses-Principal shall display a sign on its main entrance door, which reads: “This business sells sexually oriented materials or entertainment. Persons under the age of eighteen (18) years are prohibited from entering.” The sign letters shall be a minimum of two (2) inches high.

16. A Sexually Oriented Cabaret shall adhere to the following standards and regulations:

    a. An owner, operator, or manager of a Sexually Oriented Cabaret may not allow any dancer or other live entertainer to display specified anatomical areas or to display or perform specified sexual activities on the premises of the Sexually Oriented Cabaret.

    b. A dancer, live entertainer, performer, patron, or any other person may not display specified anatomical areas in a Sexually Oriented Cabaret.

    c. The owner, operator, or manager of a Sexually Oriented Cabaret must provide the following information to the County concerning any person who dances or performs live entertainment at the Sexually Oriented Cabaret: the person’s name, home address, home telephone number, date of birth, and any aliases.

    d. A dancer, live entertainer, performer may not be under eighteen (18) years old.

    e. Dancing or live entertainment must occur on a platform intended for that Purpose and that is raised at least two (2) feet from the level of the floor.

f. A dancer or performer may not perform a dance or live entertainment closer than ten (10) feet from any patron.

g. A dancer or performer may not fondle or caress any patron, or other dancer or performer, and no patron may fondle or caress any dancer or performer.

h. A patron may not pay or give a gratuity to any dancer or performer, and

i. A dancer or performer may not solicit or accept any pay or gratuity from any patron.

14-5 SEXUALLY ORIENTED USES - ACCESSORY

Sexually oriented Uses-Accessory are allowed as a permitted use in the C-1 (General Commercial) and I-1 (Rural Industrial) District subject to the following conditions:

1. Sexually oriented uses-accessory shall:

   a. Comprise no more than five percent (5%) of the floor area of the establishment in which it is located; provided that the maximum floor area used for sexually oriented uses-accessory may not exceed one thousand (1,000) square feet.

   b. Comprise no more than ten percent (10%) of the gross receipts of the entire business operation.

   c. Not involve or include any activity except the sale or rental of merchandise.

2. Sexually oriented uses-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

   a. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation of the business, or shall be in catalogs under the direct control and distribution of the operator.

   b. Magazines. Publications classified or qualifying as sexually oriented shall not be physically accessible to minors and shall be

covered with a wrapper or other means to prevent display of any material other than the publication title.

c. Other Use. Sexually oriented uses-accessory not specifically cited shall comply with the intent of this Chapter subject to the approval of the County's Planning Manager.

3. Sexually oriented uses-accessory shall be prohibited from both internal and external advertising and signing of sexually oriented materials and products.

4. Sexually oriented uses-accessory activities, including sale or display of instruments, devices or paraphernalia, which are used or designed for use in connection with specified sexual activities, shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical, or other performance or exhibition presented to the general public where minors are admitted.

CHAPTER 15: LARGE ASSEMBLIES

15-1 PURPOSE

This Chapter is intended to ensure that large gatherings or assemblies of 250 or more individuals as defined by this Ordinance are conducted in accordance with proper and acceptable sanitary, police, fire, and other health and safety considerations and procedures to ensure the protection of the health, safety and general welfare of the public and of the people attending or taking part in the assembly.

This Chapter shall not apply to the following:

1. Any permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or government-sponsored events including meetings, polling and other assemblies.

2. Gatherings or activities permitted or licensed by other State laws or regulations of the County of Scott, including the State Parks System and the Scott County and Three Rivers Regional Park System.

3. Activities by persons operating under other permit or license issued by other state agency or the County. Other permit or license for purposes of this subdivision, does not include a permit or license issued by the Minnesota Department of Health.

4. Family celebratory gathering taking place entirely upon the premises of a family member.

15-2 PERMIT REQUIRED

No individual, except those specifically exempted in accordance with Section 15.1 herein, shall permit, maintain, conduct, promote, advertise, organize, manage or sell or give away tickets to, an actual or reasonably anticipated assembly of 250 or more individuals, whether upon public or private property, without a permit duly approved by the County in accordance with this Chapter.

1. Permit. A permit shall be required for each event or series of events and for each location individuals assemble or can reasonably be anticipated to assemble.

2. Non-transferability. Each permit granted to an applicant under this Chapter shall be non-transferable.

15-3 GENERAL REQUIREMENTS

Before any permit under this Chapter may be issued, the applicant shall demonstrate that the proposed assembly shall satisfy the following requirements:

1. Maximum Numbers of Individuals. A permit shall only permit the assembly of individuals of up to the maximum number of persons stated in the permit. The County may impose restrictions on the maximum number of individuals which shall be assembled as deemed necessary to protect the health, safety and welfare of those persons who shall be in attendance, the residents of the community in which the assembly shall be held, and other residents of the County. The applicant shall not sell tickets to, nor permit to assemble at the premises, more than the maximum permissible number of individuals stated in the permit.

2. Fenced Grounds. A fence or barrier shall enclose the assembly area, being not less than four feet in height and of sufficient strength to prevent individuals from gaining unauthorized access to the assembly area and having sufficient entrances and exits to allow safe and easy movement into and out of the assembly area. Parking areas intended to accommodate vehicles shall be exempted from inclusion within the fencing requirement but shall be considered to be a part of the permit premises.

3. Noise Limitations. All necessary precautions shall be taken to ensure that the sound of the assembly shall comply with state noise rules and not carry unreasonably beyond the Premises. Outdoor events that utilize amplified sound may be permitted between the hours of 8:00 AM and 10:00 PM. Outdoor events held on Friday and Saturday nights with amplified sound may be extended until 11:00 PM, provided the applicant has arranged to have a Sheriff's deputy present on site to monitor sound.

4. Toilets. Enclosed toilets allowing for separate use by males and females, sufficient to accommodate the maximum number of individuals to be assembled, shall be provided and shall be conveniently located throughout the premises. Such facilities shall be provided in accordance with the Minnesota State Department of Health Regulations and Standards.

5. Solid Waste Disposal. The applicant shall maintain the premises in a neat and orderly manner and shall provide a sanitary method of disposing of solid waste which shall comply with all applicable State and local laws and regulations. This method of disposal shall be designed to be of sufficient

size to contain the solid waste production of the maximum number of individuals to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person, per day. The County shall retain the right to increase the permitted premises solid waste disposal capacity requirement as deemed appropriate. Applicant shall also provide a plan for collecting and removal of all such solid waste at least once each day of the assembly.

6. Parking. The applicant shall, at a minimum, provide a parking area of sufficient size to provide parking space for the maximum number of individuals authorized to be assembled, based upon a calculated rate of at least one parking space for every three individuals. At a minimum, adequate handicapped designated parking spaces shall be provided in accordance with applicable Minnesota Rules governing the provision of such.

7. Administrative Control Center. An administrative control center shall be provided by the applicant which shall be equipped with a telephone by which local authorities shall be able to contact the applicant and/or any law enforcement personnel inside the assembly area.

8. Financial Security.

   a. Prior to the issuance of a permit, the applicant shall provide cash or an irrevocable Letter of Credit in an amount to be determined by the Planning Department. The applicant shall indemnify and hold harmless the County of Scott or any of its agents, officials, servants, employees, or volunteer workers from any liability, claims, or causes of action which might arise; for payment of employees or services provided by The County of Scott; and for any cost incurred in cleaning up, removal and disposal of any solid waste or other material produced or left by the Assembly.

   b. In the event an applicant is found to have violated any term or condition upon which the applicant was granted a permit, the County may call the Letter of Credit. No portion of the Letter of Credit shall be released to the applicant until all provisions of the permit have been resolved to the satisfaction of the County Planning Department.

9. Insurance. The applicant shall file with the County Planning Department, a Certificate of Insurance demonstrating/identifying that the applicant has obtained a policy of insurance in amount not less than one million dollars ($1,000,000) for bodily injury or death of one person, and not less than one million dollars ($1,000,000) for bodily injury or death of two or more

persons in any one incident, and not less than one million dollars ($1,000,000) for damage to property, insuring the applicant against liability for injury, death or property damage arising out of the assembly.

10. Medical Facilities. The applicant shall ensure the availability of at least one state licensed emergency attendant and one registered nurse licensed to practice in Minnesota, together with an enclosed, air-conditioned facility on the premises wherein medical treatment may be rendered, containing at least one bed for each 500 persons. For assemblies in excess of 1,000 persons, the necessity of additional medical facilities and personnel shall be determined by the County in consultation with the emergency medical providers for the assembly.

11. Security. The applicant shall prepare and implement a security, traffic, emergency communications, and weather emergency plan which shall meet the requirements of local authorities. The plan shall provide for security guards who may be law enforcement officers. At least one (1) security guard for the first 250 individuals to assemble shall be provided. Additional security personnel shall be provided as deemed necessary by the County Sheriff's Office in review of the security plan. Law enforcement personnel shall be provided as determined and deemed appropriate by the Scott County Sheriff.

12. Fire Protection. The applicant shall submit for approval to the Fire Marshall or Fire Chief of the Fire Department service the location of the assembly, a plan providing for fire protection equipment, alarms and trained personnel. A copy of the fire protection plan shall be a part of the application.

13. Lighting. Assemblies occurring during hours of darkness shall provide sufficient illumination to safely light the entire area of the premises accessible to the public, but in no case less than at the rate of at least five foot candles. Such illumination shall not unreasonably extend beyond the boundaries of the premises.

14. Duration of Assembly. If the assembly is reasonably expected to continue for four (4) or more consecutive hours, the applicant shall provide the following:

    a. Potable Water. Meeting all Federal and State requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one (1) gallon per person per day.

b. Public Telephones. Public telephones connected to outside lines sufficient to provide services to the maximum number of people to be assembled at the rate of at least one separate line and receiver for every 5,000 persons or any incremental portion in excess thereof.

15. Cleanup Plan. A plan for the removal and disposition of litter, staging, fixtures, and other paraphernalia located within or upon the premises shall be provided by the applicant.

16. Liquor License. Existing Liquor License may need to be amended for outdoor sales and/or consumption.

17. Food Preparation Permit. If required receive a food preparation permit from Minnesota State Department of Health.

18. Overnight Camping. Except for security personal no overnight camping shall be allowed as part of a large assembly.

15-4 SUBMITTAL REQUIREMENTS

1. Application. A completed application for a large assembly permit in Scott County requiring only an administrative review shall be made in writing on a form provided by the County Planning Office at least forty-five (45) days in advance of such assembly. All other large assembly permit applications shall follow the Interim Use Permit process in Section 2-7 of this Ordinance.

2. Verification. The application shall be signed and verified by the applicant. In the case of an incorporated entity, the application shall be signed by the Chair of the Board of Directors of the corporation. In the case of an unincorporated association, society, or group, the application shall be signed by all officers, or, if there are no officers, by all members. In the event the assembly is to occur on property belonging to other than the applicant, the application shall be signed by the applicant, as well as include a notarized signature of the landlord. Alternatively, the applicant may produce a written lease, whose term encompasses the date(s) of the assembly, signed by the landlord granting the applicant use of the premises and which does not covenant against the use of the premises for an assembly.

3. Fee. The application fees for each permit issued under this Chapter shall be in accordance with the County fee schedule as adopted by the Scott

County Board of Commissioners. The non-refundable application fee shall be paid at the time of application.

4. Contents. The applicant shall supply all information requested on the application form, including the following:

   a. The name, date of birth, residence, and mailing address of the applicant, and of each individual required by Section 15-4 above to sign the application. For corporate applicants, a certified copy of the Articles of Incorporation must be submitted with the application, together with the names and addresses of each officer and any stockholder holding ten (10) percent or more of the capital stock of the corporation.

   b. The address and legal description of the premises, together with the name, residence, and mailing address of the record owner(s) of all such property. Where the owner(s) of the property is not the applicant, either a landlord's written and notarized statement that the applicant has permission to use the premises for an assembly shall be provided except when the premises are subject to a written lease as provided in Section 15-4.

   c. The nature or purpose of the assembly.

   d. The dates and times during which the Assembly is to be conducted.

   e. Detailed information as to how the applicant will ensure that the assembly will comply with all the requirements of Section 15-3 of this Chapter.

5. Letter of Credit. The Letter of Credit and Certificate of Insurance required by Section 15-3 of this Chapter shall accompany the application.

15-5 LOCAL APPROVAL

The applicant shall provide the County with a copy of the Town Board Resolution from the Township wherein the event is to be held, confirming that the applicant has met all Township requirements and that the Township has approved and authorized the event.

15-6 REVOCATION OF PERMIT

1. Revocation. Any permit issued pursuant to this Chapter may be revoked by the County Sheriff's Office or Planning Department for violation of any of the provisions of this Chapter or to protect the health, welfare and safety of the public.

CHAPTER 16: LAND USE DESCRIPTIONS AND STANDARD

16-1 PURPOSE

The purpose of this Chapter is to list (in alphabetical order as it appears on Table 20-4, define, and provide regulations specific to land uses allowed, whether permitted, administrative, interim, conditional or accessory, in one or more zoning districts. In many cases, one or more regulations related to a specific land use are then provided. The standards in this Chapter shall apply in addition to all other applicable regulations of this Ordinance. This Chapter also provides standards for open space outlots and natural area conservation easements.

Uses allowed under this chapter shall comply with applicable standards for wastewater management, stormwater management, traffic management, building code, and other regulations as required by this or other county ordinances and the State Code. Those uses generating business traffic shall comply with Traffic Management standards outlined in Chapter 5 of this Ordinance and shall be required to install road safety improvements, such as turn lanes, on County or State roads as required by the Scott County Transportation Department and the Minnesota Department of Transportation.

16-2 ALLOWED USES, DEFINITIONS, AND STANDARDS

1. Accessory Dwelling Unit, as defined in Chapter 1 and regulated by Chapter 7 of this Ordinance.

2. Agricultural Building - A structure designed and constructed to house farm implements, hay, grain, other horticultural products, poultry, or livestock, excluding equine. This structure shall not be a place of human habitation, nor shall it be a place used by the public. The structure may be used as a place where principal agricultural products grown on site are processed, treated or packaged, but not on a large industrial scale.

3. Agricultural Use - The use of land for the growing and/or production, wholesale or seasonal-share distribution, and/or temporary on-site sale of value-added agricultural products, field crops, livestock, and livestock products for the production of income or own use, including but not limited to the following:

    a. Field crops, including but not limited to, barley, beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.

    b. Livestock, including but not limited to, dairy and beef cattle, goats, sheep, hogs, poultry, game birds and other animals including deer, rabbits and mink.

c. Livestock and dairy products, including but not limited to, milk, butter, cheese, eggs, meat, fur and honey.

d. Poultry and poultry products

e. Trees, shrubs, bushes, and plants for wholesale distribution.

f. Sod farming.

g. Orchards, flowers, fruits and vegetables.

h. Agricultural seed sales.

4. Agricultural Machine Shop - The use of a structure, including but not limited to, the repairing, machining, welding or sheet metal work of an agriculturally related machine or component. This does not include the sale of new or used components and machines.

5. Agricultural Tourism – Activities conducted for profit, year-round on a regular basis, on and accessory to a working farm and offered to the public or to invited groups for the purpose of visitation, recreation, education, enjoyment or active involvement in the farm operation. Activities held year-round and on a regular basis can include, but not limited to, farm stays, farm tours, hayrides, pony rides, petting zoos, and educational events. (It does not include Farm Wineries and Vineyards, which is listed as a separate use in this Chapter)

   a. The parcel on which the agricultural tourism use is located shall be at least twenty (20) acres in size and be actively farmed.

   b. The owner or operator of the agricultural tourism use shall be the same person or family member that owns and homesteads the property on which the use is located.

   c. The site shall be accessed by a hard surfaced road unless access via a gravel road is approved by the local road authority.

   d. On-site parking shall be provided in conformance with Chapter 5 in the Zoning Ordinance.

   e. An Individual Sewage Treatment System (ISTS) shall be provided for the use that complies with the Scott County ISTS Ordinance No. 4

   f. All buildings used in conjunction with the use shall meet the requirements of the State Building Code

g. Any outdoor lighting shall comply with Chapter 4 of the Zoning Ordinance

h. Hours of operation shall be set as conditions by the County.

i. All non-agricultural equipment and vehicles associated with the use shall be stored within an enclosed structure, expect in agricultural zoning districts where outdoor storage may be allowed under Chapter 8.

j. All signage shall comply with Chapter 11 of the Zoning Ordinance.

k. Additional conditions may be imposed by Staff, the Township, the Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.

6. Animal Hospital – a place where animals or pets are given medical or surgical treatment by a licensed veterinarian. In the C-1, General Commercial Zoning District an animal kennel can be permitted as a use accessory to the animal hospital provided that:

a. The number of animals boarded shall not exceed twenty (25).

b. Animal exercise areas (indoor or outdoor) may be allowed through the Conditional Use Permit. All exercise areas must meet required property line setbacks. Screening may be required for dog exercise areas or for exercise areas immediately adjacent to an existing residential use.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty and seventy-five (60 - 75) degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

g. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

7. Animal Shelter – A facility that houses homeless, lost, abandoned, or unwanted animals and that is operated or maintained by an entity including, but not limited to, a humane society, animal welfare organization, or any other organization operating for the purposes of finding permanent adoptive homes for animals.

   a. The site and facility shall be in compliance with the district performance standards of the C-1, General Commercial Zoning District and the commercial building standards in Chapter 4 of this Ordinance.

   b. An exercise area shall be provided to accommodate the periodic exercising of animals at the shelter. An outdoor exercise area shall be fenced and hours of use for the outdoor exercise area will be set through the CUP. An outdoor exercise area shall be set back at least one hundred fifty (150) feet from any residence or residential zoning district boundary, whichever is greater, existing on the approval date of the CUP.

   c. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

   d. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

   e. A disposal plan for animal waste that describes how waste will be handled, stored, and disposed of for the maximum number of animals at the facility shall be approved by staff.

   f. The kennel structure shall be designed to the construction methods and specifications necessary to minimize any noise, odors, or other issues related to the use.

   g. The operator shall submit an emergency response plan to safeguard people and animals in case of an emergency. The building shall be fitted with smoke and carbon monoxide detectors and fire extinguishers.

   h. The maximum number of animals boarded at the shelter facility shall be set in the CUP through the review of the site plan, building plan, and adjacent land uses. The building plan, drawn to scale, shall show the dimensions for the animal confinement area, isolation/quarantine area, examination area, office area, training area, and storage/equipment area. The maximum number of dogs boarded in the shelter facility shall not exceed one hundred (100). A shelter can exceed this number of dogs if set higher through the review and evaluation of the CUP.

i. The animal shelter shall comply with all federal, state, and local regulations. The operator shall provide a copy of the state's annual kennel inspection report each year to the Planning Department.

8. Animal Clinic – Small Animal Veterinary Clinic. Veterinary clinic for small animals such as household pets.

   a. A ventilation system shall be designed so that no odors or organisms will spread to the outside air and will be capable of completely exchanging internal air.

   b. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed.

   c. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

9. Auction house, flea market – the use of a building or land for the storage and auction or sale on premise of new and/or used goods, generally on a limited or temporary basis.

10. Auto, farm implements, heavy equipment, truck and recreational vehicle sales, rental and/or service. Outdoor sales/rental lot provided:

    a. Sales area is delineated with a paved surface. No sales display or storage shall occur outside the delineated sales area.

    b. Sales lot must be accompanied with a building having a minimum floor area of one thousand (1,000) square feet.

    c. All lighting must comply with Chapter 4 of this Ordinance.

    d. All sales items shall meet the off-street parking setbacks of Chapter 5 of this Ordinance.

    e. The sales lots shall be landscaped in accordance with Chapter 4 of this Ordinance.

11. Auto, truck major repair, body shop - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting services performed on licensed vehicles.

12. Bed & Breakfast Establishment - A business in a residential structure in which lodging and meals are provided for compensation and which is open to the

traveling public, as regulated by Chapter 7 of this Ordinance.

13. Billboards and advertising signs, as regulated by Chapter 11 of this Ordinance.

14. Boarding or renting of rooms to not more than four (4) individuals per principal single family dwelling sharing common facilities for living, cooking, and eating.

15. Brewpub, Microbrewery, Micro-distillery as regulated by Minnesota Statutes (Chapter 340A or applicable chapters as amended).

16. Cemetery

17. Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

18. Commercial accessory buildings -

    a. Buildings not exceeding thirty (30) percent of the gross floor space of a principal building are allowed through an administrative permit, unless previously authorized under an approved use permit.

    b. Commercial accessory buildings larger than thirty (30) percent of the gross floor space of the principal building are allowed through a conditional use permit ~~provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.~~

    c. Accessory buildings shall not exceed the height of the principal building.

19. Commercial Bulk Liquid Storage – Liquid storage in containers with a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.

20. Commercial Freestanding Satellite Dishes – Commercial freestanding satellite dishes may be allowed as permitted uses as an Administrative Use in the Commercial and Industrial Zoning Districts, and as a conditional use in the Agricultural Zoning Districts subject to the following requirements:

    a. Accessory equipment associated with a commercial freestanding satellite dish shall be located within the principal building or within an enclosure which is constructed of materials and color scheme compatible with the principal building.

b. Commercial freestanding satellite dishes and any accessory equipment enclosures shall meet the setback requirements for accessory structures within the zoning district they are to be located.

c. No commercial freestanding satellite dishes and accessory equipment enclosures shall be located within any utility or drainage easement.

21. Commercial Livestock Experiment Station

22. Commercial Nursery or Greenhouse - A business growing and selling trees, flowering, decorative and/or edible plants which may be conducted in or outside a building.

23. Community Solar Energy System, Rooftop, as regulated by Chapter 12 of this Ordinance.

24. Community Solar Energy System, Ground Mounted, as regulated by Chapter 12 of this Ordinance.

25. Concrete & Asphalt Mixing Plant, Permanent Facility

26. Concrete & Asphalt Mixing Plant, Temporary Facility - may be allowed only as an Interim Use within all gravel mines and quarries operating under an approved interim or conditional use permit. The permit may be issued for up to 12 months, and the plant shall provide material primarily for public projects, and provided the portable asphalt or concrete mixing plant is to be operated for a maximum two hundred forty (240) hours annually, unless an extension is approved. Permit conditions shall consist of, but not be limited to, pollution control standards, hours of operation, setbacks, haul roads, area where plant is to be located, slopes, etc.

    Temporary Asphalt & Concrete Mixing Plants that operate more than two hundred forty (240) hours annually may be approved by the issuance of an interim use permit in the A-1 Agricultural Preservation, A-3 Agricultural Preservation Density, and the RR-1 Rural Residential Reserve districts, provided an interim use permit is already approved for the mining operation in which it will be located. The permit may be issued for up to 12 months and is subject to the following standards:

    a. The area approved for mining through the Interim use permit must encompass a minimum of forty (40) acres.

    b. The concrete plant or asphalt plant must be a minimum of 1/4 mile from a primary residential building other than the operators.

    c. The concrete plant or asphalt plant must be a minimum of ½ mile from any RR-1C (Rural Residential Cluster), RR-2 (Rural

Residential Single Family), RR-3 (Residential Suburban Single Family), UER-C (Urban Expansion Reserve Cluster), and UTR-C (Urban Transition Reserve Cluster) zoning districts.

d. The plant and equipment must be located and screened in such a manner to have the least environmental and aesthetic impact on adjacent properties.

e. Access roads to and from the mining site shall be paved. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.

f. All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.

g. Hours of operation for Asphalt and concrete plants shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday unless otherwise stipulated in the approved interim use permit based on noise, traffic and air control mitigation measures.

h. Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary source of aggregate used in the plant.

27. Contractor Yard – A site used for storage of equipment and supplies used by a contractor in operation of the business.

28. Convenience Store-Gas Sales Station - An establishment whose principal business includes the sale of foods and grocery items, and the sale of gas and oil products from service islands. These establishments do not offer automobile repair services such as mechanical work on engines or auto body work.

    a. Pump islands and canopies shall be set back a minimum of fifty (50) feet from public road rights-of-way. <u>In the Hamlet Mixed Use (HMU) overlay zoning district, this setback shall be determined through the conditional use permit</u>.

    b. When adjacent to residential property, there shall be a landscape screen in accordance with Chapter 4 of this Ordinance.

    c. All areas utilized for the storage of solid waste trash, debris, and similar items shall be fully screened from adjacent properties and public roads. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

    d. The storage/display of items for sale outside the building shall be displayed in

specially designated racks and containers and be limited to areas as determined by the conditional use permit.

e. The convenience store-gas station shall comply with all Local County, State, and Federal licensing regulations.

f. All exterior lighting is to be directed so as not to cast glare toward or onto the public right-of-way or adjacent properties in accordance with Chapter 4 of this Ordinance.

g. Business activities not listed in the definition of motor vehicle service stations in this Ordinance and not incidental to the business are not permitted on the premises of a motor vehicle service station unless a conditional use permit or license is obtained specifically for such business. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales and restaurant.

h. In the Hamlet Mixed Use (HMU) overlay zoning district, the convenience store-gas station building shall be limited to five thousand (5,000) square feet of floor area. The number of pump islands shall be limited to four (4). There shall be no overnight parking of trucks or vehicles on the premises.

29. Daycare Center- Any State licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "non-residential programs" as defined by Minnesota Statutes, Section 245A.02, Subdivision 10.

30. Daycare, In Home and Group Family – A day care service which takes place in, and is an accessory use in a principal single family detached dwelling that is occupied by the owner or operator of the service, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or development guidance on a regular basis, for periods of less than twenty-four (24) hours per day, and serves twelve (12) or fewer persons, or fourteen (14) or fewer persons if licensed as a "group family day care.".

31. Drainage Systems/Flood Control

32. Essential Services (Governmental uses, buildings, and storage) - Governmental services such as office buildings, garages, temporary open space, open storage when not a principal use, fire/police stations, solid waste facilities, household

hazardous waste facilities, recreational areas, training centers, correctional facilities or other essential uses proposed by federal, state, local, special districts and school districts, except that schools shall not be permitted under this provision.

33. Essential Services (Infrastructure) - Underground or overhead electrical, gas, steam or water distribution systems, collection, communications, supply or disposal system, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories; but not including buildings or transmission services.

34. Essential Services (Transmission/Utilities/Substations) - Transmission service such as electrical power lines of a voltage of 35 KV or greater, or bulk gas or fuel being transferred from station to station and not intended for enroute consumption or other similar equipment and accessories. Includes substations and utility structures. The following standards shall apply to all utility structures and substations:

    a. Utility buildings and structures such as substations shall be located not less than fifty (50) feet from any property line.

    b. An operations plan shall be submitted which, when approved, will become part of the Conditional Use Permit.

    c. Building exteriors and landscaping shall be consistent with required building exterior and landscaping standards identified in Chapter 4 of this Ordinance.

    d. The facility shall be fenced to prevent a public hazard, and adequate access and onsite parking must be provided.

    e. A deed restriction must be recorded on the parcel stating no other use other than a utility use is permitted.

    f. Lots created for utility services and equipment may be exempted from the zoning district minimum lot performance standards.

35. Fair & Fairgrounds - ~~Public or private event~~ a land use open to the public for seasonal events where tickets are sold or fees collected for the activity conducted almost wholly outdoors that includes all of the following: exhibitions, buying and selling of goods, competitions, games, and entertainment, and provided all traffic, noise, screening, and development/use compatibility issues are addressed. ~~The site where the fair is held shall be designated the fairgrounds.~~

36. Farm Equipment Sales (excluding individual farm auctions).

37. Farm Market – The sale of agricultural products or value-added agricultural

products year-round directly to the consumer from a site on a working farm.

a. The owner or operator of the farm market shall be the same person or family member that owns and homesteads the property on which the use is located.

b. A minimum of fifty-one (51) percent of the product or value-added product for sale in the farm market shall be agricultural and grown or produced on the farm site.

c. The market shall be accessed by a hard surfaced road unless access via a gravel road is approved by the local road authority.

d. On-site parking shall be provided in conformance with Chapter 5 in the Zoning Ordinance.

e. An Individual Sewage Treatment System (ISTS) shall be provided for the use that complies with the Scott County ISTS Ordinance No. 4

f. All buildings used in conjunction with the use shall meet the requirements of the State Building Code

g. Hours of operation shall be set as conditions by the County.

h. All signage shall comply with Chapter 11 of the Zoning Ordinance.

i. Additional conditions may be imposed by the Staff, Township, Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.

38. Farm Wineries and Vineyards – A farm property that grows fruits, produces and sells wine on-site.

a. The minimum lot size for each winery and vineyard shall be 20 acres.

b. A minimum of five (5) acres of the fresh fruits or agricultural products used in the farm winery for the production of wine shall be grown or produced on the farm.

c. Limited food preparation will be allowed on site.

d. Special events shall be permitted up to ten (10) times per year. For the purposes of this section, a special event is one conducted at a farm winery on a single day for which attendance is expected to exceed one-hundred fifty (150) persons. Special events can be related to the making and marketing of wine

and/or agricultural products or can include conferences, wedding receptions, private parties or similar events.

e. There shall be no outside amplified music – except for music performed during a wedding ceremony – associated with any size special event.

f. All building used in conjunction with the farm winery shall meet the requirements of the State Building Code.

g. The site shall be accessed by a hard surfaced road unless access via a gravel road is approved by the road authority. If the use is accessed directly off a county or state highway, turn- and/or by-pass lanes will be required and installed prior to operation.

h. All signage shall comply with Chapter 11 in the Zoning Ordinance.

i. On-site parking shall be provided in conformance with Chapter 5 in the Zoning Ordinance.

j. An individual Sewage Treatment system shall be provided for the farm winery that complies with the Scott County Individual Sewage Treatment Ordinance No. 4.

k. All winery structures, tasting room, and outdoor use areas shall be a minimum of 100 feet from all property lines.

l. Hours of operation for the daily operation and for special events shall be set by the County.

m. Erosion control and stormwater management shall comply with Chapter 6 of the Zoning Ordinance.

n. With any Conditional Use Permit application additional conditions, such as maximum attendance for special events, may be imposed by the Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.

39. Feed mills.

40. Feedlot – A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

New Feedlot – A feedlot constructed and operated at a site where no feedlot existed previously or where a pre-existing feedlot has been abandoned or unused for a period of one (1) year.

All feedlots are regulated by Chapter 9 of this Ordinance.

41. Fences – Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, or within the required yard setback, as regulated by Chapter 4 of this Ordinance.

42. Fish and Frog Farm/Hatchery.

43. Forest and Game Management Area.

44. Freight transportation terminal – A building or area in which freight brought by a motor truck is transferred and/or stored for movement by truck.

45. Golf Courses/Driving Ranges.

46. Grading, as regulated by Chapter 6 of this Ordinance.

47. Grain terminal.

~~48. Group Care Facility - A facility licensed by the State of Minnesota to provide 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a patient's own home.~~

49. Home Extended Business - An occupation or profession engaged in by the occupant of a dwelling unit, within said dwelling unit or accessory structure, which involves the storage of a limited amount of vehicles and equipment; repair, service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. The proposed activity shall be clearly incidental and secondary to the residential use of the premises, and shall only include the sale of merchandise incidental to the Home Extended Business. As regulated by Chapter 8 of this Ordinance.

50. Home Occupation - An occupation or profession engaged in by the occupant of a dwelling, which is clearly secondary to the principal use, when carried on within the dwelling unit and not in an accessory building, and which shows no activity other than activity normally present in a residential dwelling unit. As regulated by Chapter 8 of this Ordinance.

51. Housing with Services Establishment – An establishment providing sleeping accommodations to six (6) or fewer persons, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly

scheduled health-related services or two or more regularly scheduled supportive services, as defined and registered under Min. Stat. 144D. This use does not include nursing homes, boarding homes, hospitals, shelters, family adult foster homes, or services for persons with development disabilities.

52. Hunting Club/Shooting Range – a private club for use of firearms (shotgun, pistol, or rifle) and associated secondary uses such as club restaurant/event center, horse riding/stable, dog boarding/training kennel and other secondary uses as allowed under a conditional use permit subject to the following:

    a. Use of firearms shall be controlled so that no danger or damage shall occur outside the perimeter of the property.

    b. No outdoor shooting range shall be allowed within 500 feet of an existing residence, measured from the property line of the range site.

    c. For skeet and trap shooting a 300 yard fall zone to the front and sides of the range as measured from the center of the firing stations shall be provided. This area shall be contained wholly within the property.

    d. For pistol and rifle shooting ranges there shall be a backstop at least twenty (20) feet high from surrounding grade with a top width of four (4) feet and side berms having a minimum height of eight (8) feet shall be required unless terrain features exist that would be of similar function. A horizontal bullet catcher and a ricochet catcher is required on the backstop or any berm areas.

    e. The perimeter of the property shall be fenced or shall demonstrate an existing natural barrier to prevent trespass onto the shooting range area. Landscaping and Screening shall be provided adjacent to residential properties.

53. Indoor commercial recreation such as bowling, billiards, and skating rinks.

54. Indoor storage space or garage rental.

55. Industrial accessory buildings and structures -

    a. Buildings not exceeding fifty (50) percent of the gross floor space of a principal building are allowed through an administrative permit.

    b. Industrial accessory buildings larger than fifty (50) percent of the gross floor space of the principal building are allowed through a conditional use permit ~~provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.~~

    c. Accessory buildings shall not exceed the height of the principal building.

56. Information center associated with a residential development – An Information Center may be allowed in a residential development containing at least thirty (30) residential lots in a final plat upon the issuance of an Administrative Permit subject to the following conditions:

    a. The building shall be limited to one-story with no basement.

    b. Maximum building size is 1,000 square feet.

    c. A Building Permit Application shall be submitted and building permit obtained. Structural plans for the proposed and future (if proposed to be converted to an accessory structure after construction of a principal structure) usage shall be submitted. The plans shall state the building exterior type. The building shall have handicapped accessibility (entrance, route, and bathroom). If conversion to a residential accessory structure is intended, the exterior shall be of the same material and color of the residence.

    d. The exterior of the building shall be compatible with the structures on adjacent parcels.

    e. The driveway and parking area shall be paved.

    f. A landscaping plan for the building shall be submitted for staff review and approval.

    g. The septic sites on the residential lot shall be protected. A Septic Permit for a holding tank with a pumping agreement may be allowed for the Informational Center.

    h. A letter of credit shall be filed for the estimated cost of the building conversion, demolition, or removal.

    i. The duration of the Administrative Permit shall be for a maximum of three (3) years, unless extended by the County.

    j. Said Administrative Permit shall be recorded with the Scott County Recorder's Office.

57. Kennels, <u>Private (serving 5 to 8 dogs) - Any structure or premises where five (5) to eight (8) dogs over four (4) months of age are kept privately subject to the following regulations:</u> ~~(serving 5 to 25 dogs) - Any structure or premises, private or public, in which five (5) or more dogs over four (4) months of age are boarded, bred, trained, or offered for sale.~~

a. The permit holder shall notify the county annually that they are in compliance with the administrative permit and schedule an inspection with the County Code Enforcement Officer. Validated complaints on excessive barking, dogs damaging neighbor's property, or similar nuisance complaints shall be a basis for permit revocation.

58. Kennels, Private (serving 9 to 25 dogs) - Any structure or premises where nine (9) to twenty-five (25) dogs over four (4) months of age are kept privately subject to the following regulations:

    a. Any outdoor kennel building or fenced outdoor dog recreation area shall meet all applicable property line setbacks, and shall be located closer to the residence on the subject parcel than to any other adjacent residence.
    b. The Kennel operator shall clearly demonstrate compliance with all Environmental concerns for animal waste disposal and the method of cleaning kennels utilizing chemicals or detergents to ensure proper wastewater management. This information shall be part of the application submittal.

59. Kennels, Public (serving 5 to 25 dogs) - Any structure or premises, private or public, in which five (5) to twenty-five (25) dogs over four (4) months of age are boarded, bred, trained, or offered for sale or adoption:

    a. Any outdoor kennel building or fenced outdoor dog recreation area shall meet all applicable property line setbacks, and shall be located closer to the residence on the subject parcel than to any other adjacent residence.
    b. The Kennel operator shall clearly demonstrate compliance with all Environmental concerns for animal waste disposal and the method of cleaning kennels utilizing chemicals or detergents to ensure proper wastewater management. This information shall be part of the application submittal.

60. Large assemblies, as regulated by Chapter 15 of this Ordinance.

61. Limited Livestock Raising – The confining, breeding, or raising of animals provided the animal density does not exceed the thresholds under Section 9-2-3. This activity is subject to regulation on parcels less than 40 acres or one quarter/quarter section in size. Livestock raising is regulated by Chapter 9 of this Ordinance.

62. Lumber yard and landscape supply.

63. Manufacturing, processing, packaging, or assembly of products and materials.

64. Mining - The extraction of sand, gravel, rock, black dirt, peat, soil and other material from the land and the removal thereof from the site as regulated by Chapter 10 of this Ordinance.

65. Mobile home for family member, as regulated by Chapter 7 of this Ordinance.

66. Mobile home for full time farm employment, as regulated by Chapter 7 of this Ordinance.

67. Mining as regulated by Chapter 10 of this Ordinance.

68. Mobile homes, as regulated by Chapter 7 of this Ordinance.

69. Motor vehicle fuel sales and service station – A building or any portion thereof designed primarily for the supplying of motor fuel, oil, lubrications, and accessories for use in motor vehicles including installation and minor incidental services provided that:

    a. Pump islands and canopies shall be set back a minimum of fifty (50) feet from public road rights-of-way.

    b. When adjacent to residential property, there shall be a landscape screen in accordance with Chapter 4 of this Ordinance.

    c. All areas utilized for the storage of solid waste trash, debris, discarded parts, used tires or batteries, and similar items shall be fully screened from adjacent properties and public roads. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

    d. The storage/display of tires, batteries, and other such items for sale outside the building shall be displayed in specially designated racks and containers and be limited to areas as determined by the conditional use permit.

    e. The motor vehicle service station shall comply with all Local County, State, and Federal licensing regulations.

    f. All exterior lighting is to be directed so as not to cast glare toward or onto the public right-of-way or adjacent properties in accordance with Chapter 4 of this Ordinance.

    g. Business activities not listed in the definition of motor vehicle service stations in this Ordinance and not incidental to the business are not permitted on the premises of a motor vehicle service station unless a conditional use permit or license is obtained specifically for such business. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales and restaurant.

    h. Gas pumps located at and as part of other types of business establishments shall require a conditional use permit.

70. Offices and professional buildings.

71. On-site loading and parking, as regulated by Chapter 5 of this Ordinance.

72. Open outdoor sales, rental or display area - Any land used or occupied for the purpose of buying and selling goods, materials, or merchandise and/or for the storing of same under the open sky prior to sale. These sales, rental, or display areas shall be allowed as an accessory use in association with an allowed principal use provided that:

    a. The area so occupied shall not exceed thirty (30) percent of the principal building.

    b. No storage or display of merchandise shall be permitted in required rear, side, or front yards.

    c. The outdoor sales, rental, or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 4 of this Ordinance, except as may be exempted for cause by the Planning Department.

73. Outdoor Commercial Recreational Use – ~~Limited to day-parks, shooting and hunting clubs~~, A facility that is open to members of groups, clubs, leagues, organizations, or the general public that may or may not involve admission charges or compensation. This includes archery ranges, baseball/softball fields, hobby uses, skating rinks, soccer fields, cricket fields, volleyball courts, or similar uses. Motorized uses are prohibited.

    a. The Conditional Use Permit shall specify standards for days and hours of operations. Lighting for uses shall be hooded and shielded to prevent light from being directed off the premises.

    b. Off-street parking shall be provided per the requirements of Chapter 5 of this Ordinance.

74. Outdoor parking of semi-tractor trailers.

75. Outdoor storage within the rural business and industrial districts shall be an allowed accessory use under the following conditions:

    a. The outdoor storage area occupies space other than a required front yard setback.

    b. The outdoor storage area shall be fenced, screened and/or landscaped

according to a plan in compliance with Chapter 4 of this Ordinance and subject to the approval of the Planning Department.

c. Subject to the approval of the Planning Department, the outdoor storage area is surfaced with crushed rock, crushed concrete, Class V, asphalt, or concrete paving or other similar materials approved by the County Planning Department to control surface dust.

d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Chapter 4 of this Ordinance.

e. The outdoor storage area shall not encroach upon required parking space or required loading space as required by this Ordinance.

f. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a rural residential, residential suburban or urban expansion district.

76. Paintball Ranges – A field or property on which players use compressed-gas powered guns to fire pellets containing paint “paintballs” at opposing players. Paintball ranges usually consist of several fields of play within a single complex or property. The fields generally have staging and spectator areas separated from the playing field by netting or other physical barriers.

a. The minimum lot size for each outdoor paintball range shall be 10 acres.

b. A minimum 20-foot buffer zone between the property line of the outdoor paintball range and the playing, staging, and spectator areas shall be maintained.

c. A minimum 12-foot high, nylon mesh screen or other barrier shall be installed to separate the playing areas from the 20 foot buffer zone. This screen shall be anchored at the bottom and secure by a non-stretchable cable at the top and bottom. If a nylon mesh screen is not incorporated into fencing, a 200-foot buffer zone between the property lines and the playing areas shall be maintained unless other agreements exist with adjacent landowners.

d. No outdoor lighting shall be allowed other than for building access, parking area, driveway and signage. Nighttime use of a paintball range may be permitted if in the opinion of the Planning Advisory Commission such use will not be disruptive to the surrounding area. In these cases, playing, staging, and spectator areas will be required to be lighted per Chapter 4 of this Ordinance.

e. Only non-toxic paintballs shall be used at the paintball facility.

f. A description on the procedures for storage, maintenance and use of C02 and other compressed air fuel stations. No long-term outside storage of CO2 and other compressed air fuel equipment shall be allowed.

g. The outdoor paintball range operator shall carry field liability insurance and a copy of the insurance shall be filed with the Planning Department.

h. Any vehicles brought onto the range for use as props shall require prior approval by the Planning Department and the applicant shall submit a surety, at a type and amount determined by the Planning Department, to insure the vehicles are removed when the conditional use permit expires or terminates.

i. Off-street parking shall be provided per the requirements of Chapter 5 of this Ordinance.

77. Park & Ride Facility - A surfaced parking area utilized as a congregating location where persons can leave their personal vehicle while participating in a private or public "car-pool" or other mass transit operation.

78. Play & Recreational Facilities – Only accessory to an existing principal permitted use on the same lot and that are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

79. Portable concrete and asphalt mixing plants within a permitted mining operation, as regulated by Chapter 10 of this Ordinance.

80. Private Airport or Heliport - Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and for appurtenant land or structures used or intended for use for port buildings or other port structures.

81. Private Campground – Overnight ~~primitive,~~ independent and dependent camping activities.

a. <u>Year round residential use is prohibited. Residential use of camping vehicles, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1. Storage of campers over winter is permitted.</u>

b. <u>No Mobile Homes shall be allowed in campgrounds.</u>

c. <u>All campground structures, amenities, and recreational vehicles shall meet required road right-of-way, property line, and Shoreland District setbacks.</u>

d. Sanitation facilities shall be provided in accordance with the Scott County Wastewater Treatment Ordinance and applicable State MPCA standards.

82. Private Day Park - ~~Day recreational activities~~ A land use where recreational, amusement or entertaining activities are conducted outdoors or in partially enclosed or screened facilities and operated by a group, club, organization or private business, including supervised recreational camps, sporting camps, outdoor adventure activities, or seasonal amusement parks, which do not include overnight camping of any type.

83. Private Garages – An accessory structure or accessory portion of the principal structure that is intended for and used to store personal vehicles.

84. Private Horse Riding Arena, as regulated by Chapter 9 of this Ordinance.

85. Private Stable – A place where equine are kept for personal use or a place where 3 or less equine are boarded belonging to a person other than the owner or occupant of the property for the private use of the owner of the horse being boarded, as regulated by Chapter 9 of this Ordinance.

86. Properties with more than one (1) principal structure provided that:

    a. The property shall have a properly designed and sized private well and independent sewage treatment system to accommodate multiple principal structures.

    b. Off-street parking and loading shall comply with the performance standards of Chapter 5 of this Ordinance.

    c. The site shall be under single private ownership. The property owner shall be responsible for site operations and maintenance.

    d. All buildings must meet the industrial building type and construction standards of Chapter 4 of this Ordinance.

    e. Any change of building occupancy or use may be grounds for conditional use permit review to determine if the site remains in compliance with the performance standards of this Ordinance.

87. Public Park, Campground, Recreation Areas, and Historic Monuments.

88. Public Stable - A place (contiguous property) where equine are kept for use by the public, which shall include, but not be limited to, riding academies, rental, auction houses, boarding, breeding, training and conditioning as regulated by Chapter 9 of this Ordinance.

89. Railroad Right-of-Way.

90. Railroad Yard.

91. Recycling Center.

92. Residential Care Facility licensed by the State and serving six (6) or fewer persons in a single family detached dwelling.

~~93. Residential Care Facility not exempted by State Statutes.~~

94. Restaurants including fast food and drinking establishments.

95. Retail commercial establishment to include, but not limited to:

    a. Retail establishments such as grocery, hardware, drug, clothing, and furniture stores, convenience store and on-sale liquor establishments.

    b. Personal services such as laundry, barber, shoe repair shop, and photography studios.

    c. Professional services such as medical and dental clinics, architect and attorney offices.

    d. Repair services such as jewelry and radio and television repair shops.

    e. Finance, insurance and real estate services.

96. Recreational vehicle and equipment parking and storage for private use of the property owner/occupant.

97. Sales, rental, or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:

    a. The area so occupied shall not exceed thirty (30) percent of the principal building.

    b. No storage or display of merchandise shall be permitted in required rear, side or front yard setbacks.

    c. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 4 of this Ordinance, except as may be exempted for cause by the Planning Department.

98. Salvage Yard - A lot, yard and/or building where vehicles or remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, and/or storage, or where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. This definition does not include licensed sanitary or demolition landfills.

99. Sanitary or demolition landfill.

100. Satellite dishes and antennas.

101. School and School Facilities serving fewer than 150 students.

102. Security Structure – A structure for security purposes accessory to the principal use of the site provided the structure complies with all applicable building and fire codes.

103. Sexually Oriented Uses, as regulated by Chapter 14 of this Ordinance.

94. Signs - Any letters, words, figures, design, symbol, trademark, or numbers, illuminated or non-illuminated, which is intended to attract attention to any place, business, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is painted, printed, or constructed and displayed in any manner visible to the general public out of doors for recognized advertising purposes, as regulated by Chapter 11 of this Ordinance.

    a. Advertising/Billboard - A sign which directs attention to a business, or to a commodity, service, or entertainment sold or offered at a location other than the premises where the sign is located.

    b. Business/Industrial - A sign which directs attention to a business or profession, or to a commodity, service or entertainment sold or offered upon the premises where the sign is located.

    c. Construction - A sign placed at a construction site identifying the project, or the name of the architect, engineer, contractor, or other involved parties.

    d. Directory - A sign or group of signs attached to a building or free standing which identifies the business, owner, address or occupation of a group of businesses but contains no advertising.

    e. Dynamic Display - Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than

physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

f. Electronic Message Center – A sign whose electronic, non-pictorial message may be changed at intervals by electronic process or remote control and whose only movement is the periodic changing of information having a constant light level.

g. Free Standing - A self-supported sign not affixed to another structure.

h. Illuminated - Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

i. Institutional – A sign placed at a premises having a use such as a school, place of worship, library, post office, or public government facility. Institutional signs shall be regulated by Chapter 11-5 of this ordinance.

j. Integral - A sign carrying the name of a building, date of erection, citations, commemorative tablets or the like carved in stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

k. Monument Sign - Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and solid from the grade to the top of the sign. The sign structure is typically encased or supported by masonry materials.

l. Nameplate - A sign which states the name or address, or both, of an occupant or business on the lot where the sign is located.

m. Portable - A sign so designed as to be moveable from one location to another and which is not permanently attached to the ground or any structure.

n. Real Estate - A sign placed upon a property advertising that particular property for sale, rent or lease.

o. Temporary or Seasonal - A sign placed on a lot or parcel of land for a period not to exceed ten (10) days out of any twelve (12) month period.

95. Single Family Detached Dwellings.

96. Solar Structure, Private - A structure designed to utilize solar energy as an alternative for, or supplement to, a conventional energy system.

97. Solid and hazardous waste transfer station.

98. Solid waste processing facility.

99. Swimming pools – Any structure intended for swimming or recreational bathing that contains water over 24 inches deep shall require a building permit and shall be subject to the following requirements and standards:

    a. Outdoor swimming pools shall be set back a minimum of ten (10) feet from any property line, and on a corner lot shall be set back a minimum of fifteen (15) feet from the side yard street property line. Any associated pool patio, walkway, ground level deck, or other associated improved space shall be located a minimum of five (5) feet from any property line. No swimming pool shall be located within a required front yard area or within any recorded easement.

    b. All outdoor swimming pools shall comply with the International Building Code (IBC) for pool barrier requirements.

    c. A swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure shall be considered an indoor pool and shall be required to meet required structure setbacks.

100. Temporary, outdoor promotional events and sales provided that:

    a. The event shall not exceed fourteen (14) consecutive calendar days.

    b. No more than three (3) events per calendar year per site.

    c. A certificate of insurance may be required as part of the administrative permit.

101. Temporary roadside stand for agricultural sales of in-season agricultural products or value-added agricultural products planted and completely grown on the premises, including seasonal “u-pick” sites and community supported agriculture (CSA) operations.

102. Temporary structures provided that:

a. The temporary structure may be utilized for not more than thirty (30) consecutive calendar days.

b. Temporary structures may be used for three (3) events during a calendar year.

c. A certificate of insurance may be required as part of the administrative permit.

103. Towers less than ~~35~~ 70 feet in height for private use.

104. Truck Stop - A motor fuel station devoted principally to the needs of semi-tractor/trailer units and trucks, and which may include eating and/or sleeping facilities, but not to include a motel or a hotel.

105. Warehousing.

106. Wholesaling.

107. Wind Energy Conversion Systems - Any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of useable energy, as regulated by Chapter 12 of this Ordinance.

108. Wireless communication towers and antennas as regulated by Chapter 13 of this Ordinance.

109. Wireless communication antennas and related accessory buildings located upon a public or quasi-public structure or existing tower as regulated by Chapter 13 of this Ordinance.

110. Yard and tree waste composting site.

16-3 OPEN SPACE OUTLOTS

This section includes standards and requirements for the four types of open space outlots that can be designated through the land development process: Future Development, Recreation, Natural Area, and Agriculture.

1. Future Development Outlots:

a. The minimum acreage of buildable land required for Future Development outlots is established under the open space performance standards in all applicable cluster zoning districts.

b. The following uses are permitted in designated Future Development outlots in

the UER-C and ~~U~~TR-C zoning districts: agricultural uses, pastures, trails, community gardens, informal turf play areas, orchards, domestic sewage disposal systems under an approved OSD or PUD.

c. The following uses are permitted in designated Future Development outlots in the RR-1C and RR-2 zoning districts: agricultural uses, pastures, private stables, trails, community gardens, informal turf play areas, orchards, domestic sewage disposal systems under and approved OSD or PUD. In addition, accessory buildings are permitted under the following conditions:

    (1) The outlot must be owned in common with the adjacent lot.

    (2) The accessory building on the outlot shall be located no farther than 100 feet from the principal home on the adjacent lot.

    (3) The maximum size and height of the accessory building on the outlot shall conform to the adjacent lot's size and height requirements.

    (4) The accessory building shall be used for personal storage only.

d. Future Development outlots may be owned by an individual or in common. If owned in common, management of the outlot shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision shall be mandatory.

e. Open space easements or deed restrictions shall not limit or prevent the ability to develop Future Development outlots when urban services are available or the Comprehensive Plan supports further development.

f. Deed restrictions shall be placed on all newly created cluster lots informing the potential buyer that the adjoining Future Development outlot is intended for future urban development when public utilities become available or future rural development when rezoning occurs.

g. The location of Future Development outlots should be related to the residential cluster subdivision in a manner that best represents a logical expansion of the development pattern, extension of streets, utilities and other support infrastructure.

h. A build out plan (ghost plat) shall be required for all Future Development outlots describing and illustrating how the interim rural cluster development will be integrated with future development. The build out plan shall include and illustrate:

    (1) How the Future Development outlot(s) will be subdivided into urban residential lots in the future if in Urban Expansion or ~~urban~~ Transition <u>Reserve</u> areas; or into rural lots in rural residential areas.

(2) How the interim rural residential lots could be re-subdivided into urban residential lots in the future, if in Urban Expansion or ~~urban~~ Transition Reserve areas.

(3) The layout of future streets or extensions.

(4) Easements for the extension of utilities and stormwater management.

(5) Provide information on agreements, escrow accounts, subordinate service districts, or other funding mechanisms to cover the future costs for converting the interim rural development to an ultimate urban development if in Urban Expansion or ~~urban~~ Transition Reserve areas.

(6) For Future Development outlots in urban expansion or transition areas, the build out plan shall conform to the land use densities established in the nearest city's comprehensive plan. If a land use category is not defined, the build out plan shall demonstrate an overall density of three (3) units per acre for the entire parcel.

2. Recreation Outlots.

   a. The location and amount of land designated as Recreation outlots shall be established through the land development review and approval process.

   b. Recreation outlots shall be located such that they are an integral part of the neighborhood, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, trails, or other recreational areas.

   c. Recreation outlots intended as public parks or public trails shall be deeded to the County or Township. Management and maintenance of the public Recreation outlots shall be the responsibility of the County or Township. Private Recreation outlots intended to serve only the residents of the neighborhood shall be under common ownership of a homeowners association. Management and maintenance of private Recreation outlots shall be the responsibility of the homeowners association.

3. Natural Areas Outlots:

   a. The location and amount of land designated as Natural Area outlots shall be

established through the land development review and approval process.

b. Natural Area outlots are intended to provide permanent protection of unique natural resources and wildlife habitat land located within Natural Area Corridors as defined in the Comprehensive Plan. Conservation easements are required to ensure development of the land is restricted and long-term maintenance and monitoring is enforced as established in Section 16-4.

4. Agricultural Outlots.

   a. The location and size of an Agricultural outlot shall be established through the land development review and approval process.

   b. The following uses are permitted in designated Agricultural outlots: agricultural uses, orchards, storm water management areas.

   c. Agricultural outlots are intended to provide long-term farmland use until future development options are available.

5. Homeowners Associations: A homeowners association shall be established for the purpose of maintaining any commonly-owned land or facilities. Membership in the association is mandatory for all purchasers of homes in the development and their successors. A homeowners association agreement, guaranteeing continuing maintenance shall be submitted to the County as part of the application submittals required for land development approval. The homeowners association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

   a. The legal description of the common lands or facilities.

   b. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.

   c. A mechanism for resolving disputes among the owners or association members.

   d. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.

   e. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.

   f. Any other matter the developer deems appropriate.

16-4 NATURAL AREA CONSERVATION EASEMENTS

The following requirements apply for all easements intended for conserving Natural Area Corridors (see Chapter 6 for requirements applied to wetland buffer conservation easements).

1. Acquisition of Easements. The County may acquire Natural Area conservation easements over any eligible platted or unplatted land within the county by voluntary dedication, purchase, gift, grant, bequest, devise, covenant or contract.

2. Easements as Public Values. In some cases, voluntary dedication of a Natural Area conservation easement shall be considered a public value, and a negotiated part of the County's Planned Unit Development (PUD) process.

3. Nature of Restrictions. Natural Area conservation easements shall be permanent. The specific terms of the easement shall be negotiated on a case-by-case basis. The terms shall be designed to protect the property's resource values, as identified through the land development review and approval process.

4. Holding of Easements. At the directions of the County Board, Natural Area conservation easements shall be held by Scott County. A co-hold arrangement with a third party (such as a land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, Section 84C.0405) will be considered on a case-by-case based depending on the will of the landowner.

5. Documentation. Natural Area conservation easements must be shown on a preliminary plat or provided under a legal description. Easement documents must be recorded. The values that the conservation easement is intended to protect are defined and recorded in the baseline documentation consisting of a baseline property and ecological report. At the time the easement is recorded, documentation of the property, and its existing natural resources and ecological condition shall be conducted and prepared into a baseline property and ecological report. It shall include, at a minimum, a site map and an evaluation and discussion of land cover, plant communities and water resources, invasive species survey and mapping, identification of rare natural resource features, and an evaluation of the ecological condition of the property. The report shall be prepared using aerial photographs, maps, site visits, field surveys, a review of existing natural resource inventories and rare features records. The natural resource and ecological evaluation shall be conducted by a professional ecologist approved by County staff. Such documentation shall be updated periodically by the easement holder(s). Such studies and monitoring shall be conducted according to commonly accepted best practices.

6. Easement Costs: Any costs related to the surveying, creating legal descriptions, preparing a baseline property and ecological report, creating a stewardship plan, closing and recording of conservation easements will be the responsibility of the landowner or developer.

7. Easement Stewardship Plan. As part of the conservation easement negotiation and documentation process, an easement stewardship plan will be required. The terms and conditions of the easement stewardship plan shall be determined on a case-by-case basis. At a minimum, a stewardship plan will include an ecological evaluation of the property (as required in the baseline property and ecological report) and a schedule of maintenance activities to sustain the ecological value of the property and to control noxious weeds, estimated costs and an identification of roles and responsibilities and funding sources.

8. Easement Endowment Fund. To fund the on-going administrative activities associated with the easement, an endowment shall be required. The amount of this endowment will be calculated using the County's conservation easement project cost analysis. The endowment fund will be held by the holder of the conservation easement.

9. Monitoring. Natural Area conservation easements shall be monitored on a regular basis to ensure compliance. Monitoring may include a site visit. The County may contract with an outside organization to document and monitor easements, or the HOA may be responsible for monitoring and reporting to the County.

10. Monuments: All areas protected by a conservation easement shall be marked with permanent markets or monuments to ensure easement boundaries can be identified in the field.

11. Enforcement. If the terms of the conservation easement are violated, the easement holder(s) may pursue all legal remedies available, including, but not limited to, correction of the violation.

CHAPTERS 17-19: RESERVED

CHAPTER 20: GENERAL ZONING DISTRICT PROVISIONS

20-1 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, Scott County is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

20-1-1 Agricultural/Rural Districts

1. A-1, Agricultural Preservation District.
2. A-2, Agricultural Woodlands District.
3. A-3, Agricultural Preservation Density District.

20-1-2 Urban Reserve Districts

1. UER, Urban Expansion Reserve District.
2. UER-C, Urban Expansion Reserve Cluster District.
3. UBR, Urban Business Reserve District.
4. ~~U~~TR, ~~Urban~~ Transition Reserve District.
5. ~~U~~TR-C, ~~Urban~~ Transition Reserve Cluster District.

20-1-3 Residential Districts

1. RR-1, Rural Residential Reserve District.
2. RR-1C, Rural Residential Reserve Cluster District.
3. RR-2, Rural Residential Single Family District.
4. RR-3, Residential Suburban Single Family District.

20-1-4 Commercial Districts

1. C-1, General Commercial District.
2. <u>RBR, Rural Business Reserve</u>

20-1-5 Industrial Districts

1. I-1, Rural Industrial District.
2. I-2, Heavy Industrial District
3. CLR, Closed Landfill Restricted District

20-1-6 Overlay Districts

1. SL, Shoreland District.
2. FP, Floodplain District.
3. PUD, Planned Unit Development District.
4. HMU, Hamlet Mixed Use District

20-2 ZONING DISTRICT BOUNDARIES

Zoning district boundary lines established by this Ordinance generally follow lot lines, the centerlines of railroad rights-of-way, street rights-of-way, water courses or the corporate limit lines, all as they exist upon the effective date of this Ordinance.

20-2-1 Appeals

Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment and Appeals pursuant to Section 2-2 of this Ordinance.

20-2-2 Road Vacation

Whenever any road, alley or other public way is vacated by official action of the county or township, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

20-2-3 Rights-of-Way

All roads, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, roads, public ways or railroad rights-of-way. Where the centerline of a road, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such area, unless otherwise

specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

20-2-4 Water Areas

All areas within the County that are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the half way point and/or to the corporate limits.

20-3 ZONING MAP

The location and boundaries of the districts established by this text and hereby set forth on the zoning map entitled “Scott County Zoning Map.” Said map shall be on file with the Planning Department and hereinafter referred to as the “zoning map.” Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference. It is the responsibility of the Planning Department to maintain the Scott County Zoning Map, and amendments thereto shall be recorded on said map. The official Scott County Zoning Map shall be kept on file in the County Courthouse.

20-4 USES TABLE

CHAPTER 21: OFFICIAL MAP

21-1 PURPOSE

Land that is needed for future street and highway purposes and as sites for other necessary public facilities including public facilities such as parks, playgrounds, schools and other public buildings, civic centers, and travel service facilities is frequently diverted to non-public which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive costs or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this ordinance to establish a uniform procedure for the proper use of official maps as authorized by Minnesota Statutes 394.

21-2 OFFICIAL MAP DEFINITION

"Official Map" as used in this ordinance means a map adopted in accordance with this ordinance showing existing county roads and county state aid highways, proposed future county roads and highways, the area needed for widening of existing county roads and highways, and existing future state trunk highway rights-of-way. An official map may also show the location of existing public lands and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools and other public buildings, civic centers and travel service facilities.

21-3 INITIATION OF PROCEEDINGS

Proceedings for adoption, amendment or repeal of an official map or any part thereof may be initiated by (1) a recommendation of the Planning Commission or (2) action by the County Board on its own initiative, recommendations of an advisory commission or the request of an outside governmental body.

21-4 SKETCH MAPS AND REPORTS

Every proposal or request for an official map or its amendment or repeal however initiated, shall be accompanied by a sketch map or plat showing the lands proposed to be included and the public purpose to be served. The County Board may request a report of the Planning Commission as to the feasibility of any construction involved.

21-5 REFERENCE TO PLANNING COMMISSION

Except when proceedings have been initiated by recommendations of Planning Commission, every proposed official map or change in a map shall be referred to the Planning Commission for advice and recommendations for adoption by the County Board.

21-6 NOTICE

Public hearings on proposed official maps and amendments shall be held in accordance with Minnesota Statutes 394.26 and Scott County Zoning Ordinance 2-5-2. In addition, at least 10 days prior to the hearing, a copy of the notice shall be sent to the governing bodies of all towns and municipalities located within the county within 2 miles of the affected property.

21-7 PREPARATION AND FILING OF MAPS

The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas, a centerline survey shall be made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition line shown on the official map shall be attested to by the county surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the County Auditor who shall file a certified copy thereof with the County Recorder for record. In addition, one copy of the official map or section to which the ordinance relates, together with an attached copy of the ordinance shall be furnished to the town clerk of each affected town.

21-8 EFFECT

After an official map has been adopted and filed, the issuance of land use permits, building permits, or zoning permits shall be subject to the provisions of this ordinance. The county shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map. Whenever any street or highway is widened or improved or any new street is opened or any interest in land for other public purposes is acquired by the county, the county is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of area identified on the official map for public purposes. The adoption of an official map does not give the county any right, title or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the county to acquire such interest without paying compensation for buildings or structures erected in those areas without a permit or in violations of the conditions of a permit. This does not apply to the buildings or structures in existence prior to the filing of the official map.

21-9 APPEALS

Whenever a building permit is denied pursuant to this ordinance, the owner may appeal to the Scott County Board of Adjustment & Appeals pursuant to Minnesota Statute 394 and Section 2-2-2 of the Scott County Zoning Ordinance. If the board of adjustment authorizes the issuance of a permit the board shall have six months from the date of the decision of the board of adjustment to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible shall issue a permit in accordance with the conditions stated in the authorization specifying the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

CHAPTERS 22-24: RESERVED

CHAPTER 25: A-1, AGRICULTURAL PRESERVATION DISTRICT

25-1 PURPOSE

This district is intended primarily for application in those areas of Scott County where it is desirable, because of the high quality of soils, availability of water and highly productive capability of the land, to preserve, promote, maintain and enhance the use of land for agricultural purposes and to protect this land from encroachment by non-agricultural uses, structures and activities.

25-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the A-1, Agricultural Preservation District.

25-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in the A-1, Agricultural Preservation District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. One (1) dwelling unit per forty (40) acres, or quarter-quarter section.

3. Lot Size Minimum. Forty (40) acres or one quarter-quarter section for a single family detached dwelling.

4. Lot Width Minimum. Six hundred (600) feet measured at the building site for parcels created prior to March 2, 1996. Parcels created after March 2, 1996 must have six hundred (600) feet in width maintained at the front setback line and extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater, or one hundred (100) feet from the centerline of the local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Building Height Maximum. Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

   ~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

13. A lot of record of less than ten (10) acres created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements. Lots of record more than ten (10) acres and less than forty (40) acres created by an instrument and recorded in the Office of the County Recorder on or before January 4, 1977 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements.

CHAPTER 26: A-2, AGRICULTURAL WOODLANDS DISTRICT

26-1 PURPOSE

In this district, the predominant land use remains agriculture, but there exists concentrations of heavily wooded land and/or land having non-productive soils. Due to these circumstances, rural residential development at a density of one (1) unit per ten (10) acres has been deemed appropriate for existing conditions. This zoning district was applied when a minimum of seventy-five (75) percent of the total parcel was wooded land, and/or land having soils in capability classes IV through VIII. Development will not be provided with an urban level of service.

26-2 APPLICATION

The regulations of this Chapter shall only apply to existing parcels zoned A-2, Agricultural Woodlands District. No further rezoning to the A-2, Agricultural Woodlands District shall be allowed for consistency with the Comprehensive Plan.

26-3 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the A-2, Agricultural Woodlands District:

26-4 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an A-2, Agricultural Woodlands District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. Four (4) dwelling units per forty (40) acres or quarter-quarter section.

3. Lot Size Minimum. Ten (10) acres or a quarter-quarter-quarter section with at least one (1) acre of non-hydric soils. Each lot must demonstrate sufficient area to accommodate two individual sewage treatment systems.

4. Lot Width Minimum. Three hundred (300) feet measured at the building site for lots created prior to March 2, 1996. For parcels created after March 2, 1996, three hundred (300) feet shall be maintained at the front setback line and extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots of record less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Structure Height Maximum. Thirty-five (35) feet.

12. ~~Accessory Structure Area and Height.~~

~~a.~~ ~~Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1)~~ ~~Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2)~~ ~~Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b.~~ ~~Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

13. A lot of record created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be buildable subject to normal building permit requirements.

CHAPTER 27: A-3, AGRICULTURAL PRESERVATION DENSITY DISTRICT

27-1 PURPOSE

This district is intended for application in those areas of Scott County where it is desirable because of the high quality of soils, availability of water and highly productive capability of the land, to preserve, promote, maintain and enhance the use of land for long-term agricultural purposes. Single family dwellings at very-low rural densities are encouraged to be clustered to preserve larger tracts of land for long-term agricultural uses. An overlay zoning district may apply to this district.

27-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the A-3, Agricultural Preservation Density District.

27-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an A-3, Agricultural Preservation Density District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum.

    a. One (1) dwelling unit per forty (40) acres or quarter-quarter section.

    b. Where applicable per the Comprehensive Plan, the density for a residential cluster Planned Unit Development (PUD) subdivision shall be up to four (4) dwelling units per forty (40) acres, based on the gross acreage of the subdivision as negotiated through the Public Values Incentive Program as established in Chapter 81 of this Ordinance, and shall meet all open space performance standards in Section 27-4.

3. Lot Size.

   a. Existing Farmstead. The minimum lot size for an existing farmstead shall be determined by the topography of the property, the ability to locate the principal dwelling, any accessory structures, and two (2) individual sewage treatment systems, which all meet applicable setback requirements.

   b. Non-Farmstead. The minimum lot size for a new single family dwelling shall be one (1) acre of non-hydric land. ~~The maximum lot size shall be two and a half (2.5) acres.~~ Where independent sewage treatment systems are proposed, each lot shall demonstrate sufficient land area to accommodate two (2) independent sewage treatment systems.

4. Lot Width Minimum.

   a. Existing Farmstead. Three hundred (300) feet at the building site. Parcels created after March 2, 1996 must be at least three hundred (300) feet in width shall be maintained at the minimum building setback line and extending to the location of the principal structure.

   b. Non-Farmstead. One hundred fifty (150) feet at the building site. Parcels created after March 2, 1996, must be at least one hundred fifty (150) feet in width shall be maintained at the minimum building setback line and extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet from the centerline of a County road or one hundred (100) feet from the County road right-of-way, whichever is greater, one hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots less than two (2) acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

(1) Front Yard. Same as principal structure.
(2) Side Yard. Five (5) feet.
(3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Structure Height Maximum. Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

27-4 OPEN SPACE STANDARDS

The following performance standards are intended to promote the creation of open space through residential clustering in the A-3, Agricultural Preservation Density District as a means for accomplishing one of the following objectives: a) preserving farmland to accommodate future development in long-term urban growth areas, b) preserving significant natural resources within Natural Area Corridors as defined in the Comprehensive Plan, or c) creating open spaces for passive and/or active recreational uses.

1. All designated open space in the A-3, Agricultural Preservation Density District shall be either platted as Agriculture, Natural Area or Recreation outlots or preserved through open space easements, and shall conform to the type, use, location, performance, ownership, management, and restrictions as specified in Chapter 16 of this Ordinance.

CHAPTERS 28-29: RESERVED

CHAPTER 30: UER, URBAN EXPANSION RESERVE DISTRICT

30-1 PURPOSE

This district is to preserve land in those areas of Scott County identified in its Comprehensive Plan for logical future extension of urban land uses served by public utilities. This zoning district is intended to preserve these areas of the County in very low rural development densities or clustered residential developments that may be compatibly integrated with future urban development. This district is also meant to perform the following functions:

1. To conserve land in a viable economic status until such time as public utilities may be extended and urban development densities may be supported.

2. To reduce the possibility of urban/rural land use conflicts in both the use of the land and future extension of public utilities and other infrastructure items.

30-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the UER, Urban Expansion Reserve District:

30-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an UER, Urban Expansion Reserve District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. One (1) dwelling unit per forty (40) acres of land or quarter-quarter section.

3. Lot Size Minimum. Forty (40) acres or quarter-quarter section.

4. Lot Width Minimum. For lots of record established prior to March 2, 1996, six hundred (600) feet measured at the building site. For lots created after March 2, 1996, six hundred (600) feet shall be maintained at the minimum front yard setback extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet measured from the centerline of a County road or one hundred (100) feet from the County road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. On corner lots, the side yard setback abutting the road shall be the same as the front yard setback.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. On lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Structure Height Maximum: Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

~~a.~~ ~~Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1)~~ ~~Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2)~~ ~~Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b.~~ ~~Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

13. A lot of record of less than ten (10) acres created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements. Lots of record more than ten (10) acres and less than forty (40) acres created by an instrument and recorded in the Office of the County Recorder on or before January 4, 1977 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements.

CHAPTER 31: UER-C, URBAN EXPANSION RESERVE CLUSTER DISTRICT

31-1 PURPOSE

This district is intended to preserve land in those areas of Scott County identified in its Comprehensive Plan for logical future extension of urban land uses served by public utilities. This zoning district is intended to preserve these areas of the County in clustered residential developments that may be compatibly integrated with future urban development. This district is also meant to perform the following functions:

1. To conserve the majority of land in a viable economic status until such time as public utilities may be extended and urban development densities may be supported.

2. To reduce the possibility of urban/rural land use conflicts in both the use of the land and future extension of public utilities and other infrastructure items.

3. To regulate residential development in a cluster subdivision design that preserves open space for future development when public utilities become available.

31-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the UER-C, Urban Expansion Reserve Cluster District:

31-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in the UER-C, Urban Expansion Reserve Cluster District for cluster subdivisions subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum.

a. One (1) dwelling unit per forty (40) acres or quarter-quarter section.

b. The density for a residential cluster Planned Unit Development (PUD) subdivision shall be up to one (1) unit per ten (10) acres, or up to one (1) unit per five (5) acres with publicly managed utilities, based on the gross acreage of the subdivision as negotiated through the Public Values Incentive Program as established in Chapter 81 of this Ordinance, and shall meet all open space performance standards in Section 31-4.

3. Street Access. Temporary lot access to County roads may only be permitted provided all lots in residential clusters are designed to receive permanent access from a future local public street.

4. Lot Size Minimum. One (1) acre of non-hydric land. Where independent sewage treatment systems are proposed, each lot shall demonstrate sufficient land area to accommodate two (2) independent sewage treatment systems.

5. Lot Width Minimum. One hundred (100) feet shall be maintained at the required front yard setback, and extending to the location of the principal structure.

6. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater. Thirty (30) feet measured from the local street right-of-way.

7. Side Yard Setback Minimum, Principal Structure. Fifteen (15) feet. Where a side yard adjoins a public road right-of-way, the front yard setbacks shall apply.

8. Rear Yard Setback Minimum, Principal Structure. Thirty (30) feet.

9. Accessory Structure Setbacks.

a. On lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

(1) Front Yard. Same as principal structure.
(2) Side Yard. Five (5) feet.

(3) Rear Yard. Eight (8) feet.

10. No structure shall be located within an easement.

11. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

12. Principal Structure Height Maximum. Thirty-five (35) feet.

~~13. Accessory Structure Area and Height.~~

~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

31-4 OPEN SPACE STANDARDS

The following performance standards are intended to promote the creation of open space through residential clustering in the UER-C, Urban Expansion Reserve Cluster District as a means for accomplishing one of the following objectives: a) reserving buildable land to accommodate future development in urban growth areas, b) preserving significant natural resources within Natural Area Corridors as defined in the Comprehensive Plan, or c) creating open spaces for passive and/or active recreational uses.

1. All designated open space in the UER-C, Urban Expansion Reserve Cluster District shall be either platted as Future Development, Natural Area or Recreation outlots or preserved through open space easements, and shall conform to the type, use, location, performance, ownership, management, and restrictions as specified in Chapter 16 of this Ordinance.

2. In all residential cluster PUDs in the UER-C, Urban Expansion Reserve Cluster District, at least either seventy (70) percent of more of the non-hydric land or eighty (80) percent of more of the non-wetland land in the subdivision shall be preserved as a Future Development outlot(s).

CHAPTER 32: UBR, URBAN BUSINESS RESERVE DISTRICT

32-1 PURPOSE

This district is intended to preserve land in those areas of Scott County identified in its Comprehensive Plan for the logical extension of urban commercial and industrial land uses served by public utilities. This district is intended to preserve a very low rural residential density until such time as the land is needed for future urban commercial or industrial use and public utilities are available. This district is also meant to perform the following functions:

1. To conserve land in a viable economic status until such time as public utilities are available and the site may accommodate intense urban commercial or industrial land uses.

2. To reduce the possibility of urban/rural land use conflicts in both the use of the land and future extension of public utilities and other infrastructure items.

3. The ultimate land use may change with the introduction of utilities and annexation of the land by an adjoining city.

32-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the UBR, Urban Business Reserve District.

32-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an UBR, Urban Business Reserve District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. One (1) dwelling unit per forty (40) acres of land or quarter-quarter section.

3. Lot Size Minimum. Forty (40) acres or quarter-quarter section.

4. Lot Width Minimum. For lots of record established prior to March 2, 1996, six hundred (600) feet measured at the building site. For lots created after March 2, 1996, six hundred (600) feet shall be maintained at the minimum front yard setback and extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet measured from the centerline of a public road or one hundred (100) feet from the public road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. On corner lots, the side yard setback abutting the road shall be the same as the front yard setback.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Structure Height Maximum. Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

~~a.~~ ~~Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1)~~ ~~Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2)~~ ~~Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b.~~ ~~Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

13. Service Streets. Uses fronting on an arterial street shall have a service street to provide access to the arterial street at specified intersections.

14. A lot of record of less than ten (10) acres created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements. Lots of record more than ten (10) acres and less than forty (40) acres created by an instrument and recorded in the Office of the County Recorder on or before January 4, 1977 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements.

CHAPTER 33: ~~U~~TR, ~~URBAN~~ TRANSITION RESERVE DISTRICT

33-1 PURPOSE

The purpose of this district is to preserve land in those areas of Scott County identified in its Comprehensive Plan for long-term future extension of urban land uses served by public utilities beyond the 2030 planning horizon. This zoning district is intended to preserve these areas of the County in low rural development densities and allow interim agriculturally related land uses prior to ultimate urban development. This district is also meant to perform the following functions:

1. To conserve land in a viable economic status until such time as public utilities may be extended and urban development densities may be supported.

2. To reduce the possibility of urban/rural land use conflicts in both the use of the land and future extension of public utilities and other infrastructure items.

33-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the ~~U~~TR, ~~Urban~~ Transition Reserve District.

33-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an ~~U~~TR, ~~Urban~~ Transition Reserve District, subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. One (1) dwelling unit per forty (40) acres of land or quarter-quarter section.

3. Lot Size Minimum. Forty (40) acres or quarter-quarter section.

4. Lot Width Minimum. For lots of record established prior to March 2, 1996, six hundred (600) feet measured at the building site. For lots created after

March 2, 1996, six hundred (600) feet shall be maintained at the minimum front yard setback extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet measured from the centerline of a County road or one hundred (100) feet from the County road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. On corner lots, the side yard setback abutting the road shall be the same as the front yard setback.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. On lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than (30) percent of the lot.

11. Principal Structure Height Maximum: Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

   ~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

~~c. The accessory structure size and height restriction shall not apply to airplane hangars governed by an approved conditional use permit. In no case shall an airplane hangar accessory to a single family home exceed four thousand two hundred (4,200) square feet in floor area.~~

13. A lot of record of less than ten (10) acres created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements. Lots of record more than ten (10) acres and less than forty (40) acres created by an instrument and recorded in the Office of the County Recorder on or before January 4, 1977 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements.

CHAPTER 34: ~~U~~TR-C, ~~URBAN~~ TRANSITION RESERVE CLUSTER DISTRICT

34-1 PURPOSE

This district is intended to preserve land in those areas of Scott County identified in its Comprehensive Plan for logical future extension of urban land uses served by public utilities beyond the 2030 planning horizon. This zoning district is intended to preserve these areas of the County in clustered residential developments that may be compatibly integrated with interim agricultural practices and future urban development. This district is also meant to perform the following functions:

1. To conserve land in a viable economic status until such time as public utilities may be extended and urban development densities may be supported.

2. To reduce the possibility of urban/rural land use conflicts in both the use of the land and future extension of public utilities and other infrastructure items.

34-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the ~~U~~TR-C, ~~Urban~~ Transition Reserve Cluster District.

34-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in the ~~U~~TR-C, ~~Urban~~ Transition Reserve Cluster District for cluster subdivisions subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum.

    a. One (1) dwelling unit per ten (10) acres.

b. The density for a residential cluster Planned Unit Development (PUD) subdivision shall be up to one (1) unit per eight (8) acres, or up to one (1) unit per four (4) acres with publicly managed utilities, based on the gross acreage of the subdivision as negotiated through the Public Values Incentive Program as established in Chapter 81 of this Ordinance, and shall meet all open space performance standards in Section 34-4.

3. Street Access. Temporary lot access to County roads may only be permitted provided all lots in residential clusters are designed to receive permanent access from a future local public street.

4. Lot Size Minimum. One (1) acre of non-hydric land. Where independent sewage treatment systems are proposed, each lot shall demonstrate sufficient land area to accommodate two (2) independent sewage treatment systems.

5. Lot Width Minimum. One hundred (100) feet shall be maintained at the required front yard setback, and extending to the location of the principal structure.

6. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater. Thirty (30) feet measured from the local street right-of-way.

7. Side Yard Setback Minimum, Principal Structure. Fifteen (15) feet. Where a side yard adjoins a public road right-of-way, the front yard setbacks shall apply.

8. Rear Yard Setback Minimum, Principal Structure. Thirty (30) feet.

9. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

10. No structure shall be located within an easement.

11. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

12. Principal Structure Height Maximum. Thirty-five (35) feet.

~~13. Accessory Structure Area and Height.~~

~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

34-4 OPEN SPACE STANDARDS

The following performance standards are intended to promote the creation of open space through residential clustering in the ~~U~~TR-C, ~~Urban~~ Transition Reserve Cluster District as a means for accomplishing one of the following objectives: a) reserving

buildable land to accommodate future development in long-term urban growth areas, b) preserving significant natural resources within Natural Area Corridors as defined in the Comprehensive Plan, or c) creating open spaces for passive and/or active recreational uses.

1. All designated open space in the ~~U~~TR-C, ~~Urban~~ Transition Reserve Cluster District shall be either platted as Future Development, Natural Area or Recreation outlots or preserved through open space easements, and shall conform to the type, use, location, performance, ownership, management, and restrictions as specified in Chapter 16 of this Ordinance.

2. In all residential cluster subdivisions in the ~~U~~TR-C, ~~Urban~~ Transition Reserve Cluster District, at least either seventy (70) percent of more of the non-hydric land or eighty (80) percent of more of the non-wetland land in the subdivision shall be preserved as a Future Development outlot(s).

CHAPTERS 35-39: RESERVED

CHAPTER 40: RR-1, RURAL RESIDENTIAL RESERVE DISTRICT

40-1 PURPOSE

This district is intended to be reserved for future higher density rural residential development when support services and infrastructure can be provided. Development in this district shall maintain low rural residential densities until such time as the need for additional rural residential development and rezoning to RR-2, Rural Residential Single Family District is approved. An overlay zoning district may apply to this district.

40-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the RR-1, Rural Residential Reserve District.

40-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a RR-1, Rural Residential Reserve District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. One (1) dwelling unit per ten (10) acres ~~of non-wetland land~~.

3. Lot Size Minimum. Ten (10) acres with at least one (1) acre of non-hydric soils. Lot must demonstrate sufficient area to accommodate two (2) individual sewage treatment systems.

4. Lot Width Minimum. Three hundred (300) feet measured at the building site for lots created prior to March 2, 1996. For lots after March 2, 1996, three hundred (300) feet shall be maintained at the front setback line and extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet measured from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater. One hundred (100) feet from centerline of public local road, or sixty-seven (67) feet from the public local road right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal building setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks.

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Building Height Maximum. Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

   ~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

13. A lot of record created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be buildable subject to normal building permit requirements.

CHAPTER 41: RR-1C, RURAL RESIDENTIAL RESERVE CLUSTER DISTRICT

41-1 PURPOSE

This district is intended to be reserved for future higher density rural residential development when support services and infrastructure can be provided. Development in this district shall maintain low rural residential densities in a cluster subdivision design until such time as the need for additional rural residential development and rezoning to RR-2, Rural Residential Single Family District is approved. An overlay zoning district may apply to this district.

41-2 APPLICATION

No further rezoning to the RR-1C District shall be allowed in Cedar Lake Township for consistency with the Comprehensive Plan.

41-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the RR-1C, Rural Residential Reserve Cluster District:

41-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a RR-1C, Rural Residential Reserve Cluster District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance for cluster subdivisions:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum.

    a. The density for the residential cluster subdivisions shall be one (1) dwelling per eight (8) acres based on the gross acreage of the subdivision.

    b. The density for a residential cluster Planned Unit Development (PUD) subdivision shall be up to one (1) unit per five (5) acres, or up to one (1) unit per two and one-half (2.5) acres with publicly managed utilities, based on the gross acreage of the subdivision as

negotiated through the Public Values Incentive Program as established in Chapter 81 of this Ordinance, and shall meet all open space performance standards in Section 41-4.

3. Street Access. Temporary lot access to County roads may only be permitted provided all lots in residential clusters are designed to receive permanent access from a future local public street.

4. Lot Size Minimum. Two and one-half (2.5) acres with at least one (1) acre of non-hydric soils. Lot must demonstrate sufficient area to accommodate two (2) independent sewage treatment systems.

5. Lot Width Minimum. One hundred fifty (150) feet measured at the building site for lots created prior to March 2, 1996. For lots created after March 2, 1996, one hundred fifty (150) feet shall be maintained at the front setback line and extending to the location of the principal structure.

6. Front Yard Setback Minimum, Principal Structure. All buildings shall maintain a setback of one hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from a County or State road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street or sixty-seven (67) feet from a local public street right-of-way, whichever is greater.

7. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet from any side yard. Front yard setbacks shall apply to side yards adjoining a street on corner lots.

8. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet.

9. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks.

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

10. No structure shall be located within an easement.

11. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

12. Principal Structure Height Maximum. Thirty-five (35) feet.

~~13. Accessory Structure Area and Height.~~

~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exceptions.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

41-4 OPEN SPACE STANDARDS

The following performance standards are intended to promote the creation of open space through residential clustering in the RR-1C, Rural Residential Reserve Cluster District as a means for accomplishing one of the following objectives: a) reserving buildable land to accommodate future rural development, b) preserving significant

natural resources within Natural Area Corridors as defined in the Comprehensive Plan, c) creating open spaces for passive and/or active recreational uses, or d) preserving land for long-term agricultural uses.

1. All designated open space in the RR-1C, Rural Residential Reserve Cluster District shall be either platted as Future Development, Natural Area, Recreation, or Agricultural outlots or preserved through open space easements, and shall conform to the type, use, location, performance, ownership, management, and restrictions as specified in Chapter 16 of this Ordinance.

2. In the RR-1C, Rural Residential Reserve Cluster District, at least fifty (50) percent or more of the non-hydric soils shall be preserved as open space outlots in the subdivision.

CHAPTER 42: RR-2, RURAL RESIDENTIAL SINGLE FAMILY DISTRICT

42-1 PURPOSE

This district is intended to promote reasonable rural residential growth in those areas where supportive infrastructure and similar growth patterns exist and high-density rural development is designated in the Comprehensive Plan. This district encourages residential cluster developments to enhance the sense of rural community and preserve quality natural resources. An overlay zoning district may apply to this district.

42-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the RR-2, Rural Residential Single Family District:

42-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an RR-2, Rural Residential Single Family District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Density Maximum. One (1) dwelling unit per two and one-half (2.5) acres.

3. Lot Size Minimum. Two and one-half (2.5) acres with at least one (1) acre of non-hydric soils. Lot must demonstrate sufficient area to accommodate two independent sewage treatment systems.

4. Lot Width Minimum. One hundred fifty (150) feet at the building site for parcels created prior to March 2, 1996. For lots created after March 2, 1996, one hundred fifty (150) feet shall be maintained at the front setback line and extending to the location of the principal structure.

5. Front Yard Setback Minimum, Principal Structure. One hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater. One

hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots of record less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

6. Side Yard Setback Minimum, Principal Structure. Thirty (30) feet. Front yard setbacks shall apply to side yards adjoining a public street on a corner lot. On lots of record less than two (2) acres, fifteen (15) feet. On a corner lot, see front yard setback.

7. Rear Yard Setback Minimum, Principal Structure. Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

8. Accessory Structure Setbacks.

   a. For lots two (2) acres or greater in area, accessory structures shall meet minimum principal structure setback standards.

   b. For lots less than two (2) acres in area, accessory structures shall maintain the following minimum setbacks:

      (1) Front Yard. Same as principal structure.
      (2) Side Yard. Five (5) feet.
      (3) Rear Yard. Eight (8) feet.

9. No structure shall be located within an easement.

10. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

11. Principal Structure Height Maximum. Thirty-five (35) feet.

~~12. Accessory Structure Area and Height.~~

   ~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

~~Exception.~~

~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.~~

42-4 OPEN SPACE STANDARDS

The following performance standards are intended to promote the creation of open space through residential clustering in the RR-2, Rural Residential Single Family District as a means for accomplishing one of the following objectives: a) preserving significant natural resources within Natural Area Corridors as defined in the Comprehensive Plan, b) preserving land for long-term agricultural uses, or c) creating open spaces for passive and/or active recreational uses.

1. All designated open space in the RR-2, Rural Residential Single Family District shall be either platted as Natural Area, Recreation, or Agricultural outlots or preserved through open space easements, and shall conform to the type, use, location, performance, ownership, management, and restrictions as specified in Chapter 16 of this Ordinance.

CHAPTER 43: RR-3, RESIDENTIAL SUBURBAN SINGLE FAMILY DISTRICT

43-1 PURPOSE

The purpose of this district is to provide for single family dwelling units on existing lots of record with connection to public sanitary sewer treatment systems at a relatively dense urban scale to be established only when these services are available. An overlay zoning district may apply to this district.

43-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the RR-3, Residential Suburban District:

43-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a RR-3, Residential Suburban District subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required for Institutional Uses. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Lot Size Minimum. Twenty thousand (20,000) square feet or as allowed in Chapter 70-8-1.

3. Lot Width Minimum. Seventy-five (75) feet measured at the front setback line.

4. Front Yard Setback Minimum, Principal Structure. Twenty-five (25) feet from the road right-of-way.

5. Side Yard Setback Minimum, Principal Structure. Ten (10) feet.

6. Rear Yard Setback Minimum, Principal Structure. Thirty (30) feet.

7. Accessory Structure Setbacks.

   a. No detached accessory structure shall be located forward of the front building line of the principal structure except for on riparian lots. On riparian lots, any accessory structure shall be setback a minimum of twenty-five (25) feet from the public street right-of-way.

   b. Accessory structures shall be setback a minimum of five (5) feet from a side yard lot line.

   c. Accessory structures shall be setback a minimum of eight (8) feet from a rear yard lot line.

8. No structure shall be located within an easement.

9. Impervious Surface Lot Coverage. No more than thirty (30) percent of the lot.

10. Principal Structure Height Maximum. Thirty-five (35) feet.

~~11. Accessory Structure Area and Height.~~

   ~~a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.~~

~~Lot Size~~	~~Maximum Building Area~~	~~Maximum Building Height~~
~~Less than 1 acre~~	~~1,000 square feet~~	~~15 feet~~
~~1 – 1.99 acres~~	~~1,600 square feet~~	~~18 feet~~
~~2 – 4.99 acres~~	~~2,000 square feet~~	~~18 feet~~
~~5 – 7.99 acres~~	~~2,600 square feet~~	~~20 feet~~
~~8 – 9.99 acres~~	~~3,200 square feet~~	~~20 feet~~
~~10 – 19.99 acres~~	~~4,000 square feet~~	~~24 feet~~
~~20 – 39.99 acres~~	~~5,000 square feet~~	~~24 feet~~

   ~~Exception.~~

   ~~(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.~~

   ~~b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2)~~

~~feet from the side wall, roof area will be used to determine maximum building area.~~

CHAPTERS 44-49: RESERVED

CHAPTER 50: C-1, GENERAL COMMERCIAL DISTRICT

50-1 PURPOSE

The purpose of this district is to provide an area that will allow general retail service and other commercial uses within available service capabilities and in a manner compatible with the surrounding area in locations specifically guided by the Comprehensive Plan.

50-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the C-1, General Commercial District:

50-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a C-1, General Commercial District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.

2. Lot Size Minimum. A minimum of two and one-half (2.5) acres.

3. Lot Width Minimum. A minimum of two hundred (200) feet at the minimum front yard setback line and extending to the location of the principal structure.

4. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater.

5. Side Yard Setback Minimum, All Structures. Twenty (20) feet, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

7. No structure shall be located within an easement.

8. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.

9. Structure Height Maximum. Forty-five (45) feet.

10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

CHAPTER 51: RBR, RURAL BUSINESS RESERVE DISTRICT

51-1 PURPOSE

The purpose of this district is to reserve land for rural commercial uses when suitable road access and on-site septic, water and storm water utilities or infrastructure can be provided in locations specifically guided by the Comprehensive Plan.

51-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the RBR, Rural Business Reserve District.

51-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a RBR, Rural Business Reserve District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings. Platting will be deemed premature as established under Section 2-4 of Land Subdivision Ordinance No.7 if suitable road access and on-site septic, water and storm water utilities or infrastructure is not provided to serve the use.

2. Lot Size Minimum. A minimum of two and one-half (2.5) acres.

3. Lot Width Minimum. A minimum of two hundred (200) feet at the minimum front yard setback line and extending to the location of the principal structure.

4. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater.

5. Side Yard Setback Minimum, All Structures. Twenty (20) feet, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

7. No structure shall be located within an easement.

8. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.

9. Structure Height Maximum. Forty-five (45) feet.

10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

CHAPTERS 52-59: RESERVED

CHAPTER 60: I-1, RURAL INDUSTRIAL DISTRICT

60-1 PURPOSE

This district is intended to allow industrial uses that are not water intensive and are compatible without municipal services in those areas having access to arterial roadways and/or rail transportation in locations specifically guided by the Comprehensive Plan.

60-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the I-1, Rural Industrial District:

60-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an I-1, Rural Industrial District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure shall be constructed on unplatted, I-1 zoned property, except for the addition of accessory structures or additions to existing buildings.

2. Lot Size Minimum. A minimum of two and one-half (2.5) acres.

3. Lot Width Minimum. Two hundred (200) feet at the minimum front yard setback line and extending to the location of the principal structure.

4. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater.

5. Side Yard Setback Minimum, All Structures. Twenty (20) feet or the height of the building, whichever is greater, or on corner lot, see front yard setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

7. No structure shall be located within an easement.

8. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.

9. Structure Height Maximum. Forty-five (45) feet.

10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

CHAPTER 61: I-2, HEAVY INDUSTRIAL DISTRICT

61-1 PURPOSE

This district is intended to allow industrial uses that could pose potential odor, vibration, dust, noise, or heavy equipment traffic nuisances for adjacent land uses, but in areas having access to arterial roadways and/or rail transportation in locations specifically guided by the Comprehensive Plan.

61-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the I-2, Heavy Industrial District:

61-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an I-2, Heavy Industrial District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure shall be constructed on unplatted, I-2 zoned property, except for the addition of accessory structures or additions to existing buildings.

2. Lot Size Minimum. A minimum of two and one-half (2.5) acres.

3. Lot Width Minimum. Two hundred (200) feet at the minimum front yard setback line and extending to the location of the principal structure.

4. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater.

5. Side Yard Setback Minimum, All Structures. Twenty (20) feet or the height of the building, whichever is greater, or on corner lot, see front yard

setback. Three hundred fifty (300) feet from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. Three hundred (300) feet from an existing rural residential, residential suburban, or urban expansion district.

7. No structure shall be located within an easement.

8. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.

9. Structure Height Maximum. Forty-five (45) feet.

10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

CHAPTER 62: CLR, CLOSED LANDFILL RESTRICTED DISTRICT

62-1 PURPOSE

This district is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit land uses within the closed landfill, both actively filled and related lands in order to protect the land from human activity. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA.

62-2 PERMITTED, CONDITIONAL AND ACCESSORY USES

Any application for a conditional use must be approved by the Commissioner of the MPCA. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

Permitted Uses:

1. Closed Landfill management and natural area management as identified in the *Closed Landfill Use Plan – Louisville Landfill* report dated May 15, 2013 or as amended by the MPCA
2. Agricultural uses

Conditional Uses:

3. Essential Services – Transmission/Utilities/Substations
4. Community Solar Gardens

Accessory Uses:

5. Accessory uses permitted in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring and improvement systems. Fences and gates are permitted accessory uses.

62-3 DISTRICT PERFORMANCE STANDARDS

Performance standards related to the use of property in this district are those specified by the District Performance Standards of the I-1, Rural Industrial District and those standards related to the specific permitted, conditional or accessory use as specified in this Ordinance.

CHAPTERS 63-69: RESERVED

CHAPTER 70: SL, SHORELAND DISTRICT

70-1 PURPOSE

The uncontrolled use of shoreland within the unincorporated area of Scott County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shoreland of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use and development of the shoreland of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Scott County.

70-2 JURISDICTION

The provisions of this Chapter shall apply to the shoreland of the public water bodies as classified in Section 70-6 of this Chapter within the unincorporated area of Scott County. No lake, pond or flowage less than twenty-five (25) acres in size need be regulated in the shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of Scott County, be exempted from this Chapter.

70-3 COMPLIANCE

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Chapter and other applicable regulations.

70-4 APPLICATION OF RULES

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

70-5 ADMINISTRATION

70-5-1 Permits Required

A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of individual sewage treatment systems, and those grading and filling activities not exempted by Section 70-8-7 of this Chapter. Application for a permit shall be made to the Planning Department on the forms provided. The application shall include the necessary information so that the Planning Department can determine the site's suitability for the intended use and that a compliant individual sewage treatment system will be provided.

A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 70-9-3 shall be reconstructed or replaced in accordance with the provisions of this Chapter.

70-5-2 Variances

Variances may only be granted in accordance with Minnesota State Statutes Chapter 394, and Section 2-3 of this Ordinance, as applicable. A variance may not circumvent the general purposes and intent of this Chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations and the characteristics of development on adjacent properties.

The Scott County Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 70-5-3 shall also include the Board of Adjustment's summary of the public record/testimony, the findings of facts and conclusions which supported the issuance of the variance.

For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming individual sewage treatment system.

70-5-3 Notifications to the Department of Natural Resources

Copies of all notices of any public hearings to consider variances, amendments or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

A copy of approved amendments and subdivisions/plats and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of final action.

70-6 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

70-6-1 Shoreland Classification System

The public waters of the unincorporated areas of Scott County have been classified below consistent with the criteria found in Minnesota State Rules, and the Protected Waters Inventory Map for Scott County, Minnesota.

70-6-2 Lakes

Natural Environment Lakes

ID #	NAME	OHWL	SECTION	TOWNSHIP	RAN
70-1	Rice Lake	996.2	12, 13	113	21
70-2	Goose		5	113	21
70-3	Duck		12	113	21
70-4	Unnamed		19	113	21
70-10	Murphy Lake		3, 4	114	21
70-11	Unnamed		10, 11	114	21
70-22	Cleary Lake	937.8	7	114	21
70-22	Cleary Lake	937.8	12	114	22
70-23	Unnamed		19	114	21
70-23	Unnamed		24	114	22
70-24	Kane Lake	956.2	19, 30	114	21
70-24	Kane Lake	956.2	24, 25	114	22
70-29	St. Catherine Lake		2	113	22
70-31	Bradshaw Lake	927.9	9, 10, 15, 16	113	22
70-32	Unnamed		11	113	22
70-33	Unnamed		11	113	22

70-35	Lennon Lake		11, 12, 13, 14	113	22
70-37	Unnamed		13	113	22
70-39	St. Patrick's Marsh	950	17, 18, 19, 20	113	22
70-40	Mud Lake		19, 20	113	22
70-43	Nash Lake		22	113	22
70-44	Unnamed		26, 35	113	22
70-45	Unnamed		27	113	22
70-46	Unnamed		28, 33, 34	113	22
70-47	Unnamed		27, 34	113	22
70-50	McMahon/Carls Lake	965.2	1	113	22
70-50	McMahon/Carls Lake	965.2	35, 36	114	22
70-51	Unnamed		3	113	22
70-51	Unnamed		34	114	22
70-52	Cynthia Lake		4, 5	113	22
70-52	Cynthia Lake		32, 33	114	22
70-56	Campbell Lake		5, 6	114	22
70-59	Unnamed		9	114	22
70-60	Rice Lake	945.0	10, 11	114	22
70-61	Crystal Lake	943.3	10, 11	114	22
70-65	Buck		16	114	22
70-68	Unnamed		23	114	22
70-71	Unnamed		33, 34	114	22
70-73	Howard Lake	957.2	5	114	22
70-90	Hickey		7	113	22
70-90	Hickey		12	113	23
70-94	Sutton Lake	940.5	30, 31	114	22
70-94	Sutton Lake	940.5	23, 24, 25, 26, 36	114	23
70-96	Unnamed		4	113	23
70-98	Pleasant Lake	902.6	10, 11, 15	113	23
70-104	Unnamed		27	113	23
70-110	Geis Lake		11, 12, 13, 14	114	23
70-111	Swamp		13, 14, 23, 24	114	23
70-112	Unnamed		14	114	23
70-116	Strunks Lake		2, 3, 10, 11	115	23
70-118	Gifford Lake		9, 16, 17, 20, 21	115	23
70-119	Unnamed		24, 25	115	23

70-123	Unnamed		11, 12, 13, 14	113	24
70-128	Mitchell Lake		27, 28	113	24
70-132	Ahlswede		14	114	24
70-133	Browns Lake		28, 29, 32, 33	114	24
70-134	Horseshoe		32	114	24
70-139	Clarks Lake		21, 22, 27, 28	113	25
70-140	Mahoney's Lake		25	113	25
70-327	Diddle De Woodle		21, 28	114	23

Recreational Development Lakes

ID #	NAME	OHWL	SECTION	TOWNSHIP	RAN
70-21	Markley Lake	893.2	6	114	21
70-69	Fish Lake	946.9	27, 28	114	22
70-91	Cedar Lake	943.4	7, 18, 19	113	22
70-91	Cedar Lake	943.4	12, 13, 24	113	23
70-95	O'Dowd Lake	945.2	25	115	23
70-120	Thole/Schneider	944.7	25, 36	115	23

General Development Lakes

ID #	NAME	OHWL	SECTION	TOWNSHIP	RAN
70-54	Spring Lake	912.8	4, 5, 8, 9	114	22

70-6-3 Rivers and Streams

Agricultural Rivers

River	From	To
Minnesota	Border of Scott and LeSueur Counties	East Section line Sec. 5,115,22

Transition Rivers

River	From	To
Vermillion	County Road 29, west Section line, Sec. 22-113-21	Border of Scott and Dakota Counties

Tributary Rivers

All protected watercourses in the unincorporated areas shown on the Protected Waters Inventory Map for Scott County, a copy of which is hereby adopted by reference, not given a classification in Section 70-6-3 above shall be considered "Tributary".

70-7 LAND USE DISTRICT DESCRIPTIONS

The land use districts in Chapters 25 through 60 of this Ordinance are delineated on the Official Zoning Map or in this Ordinance for the shoreland in the unincorporated areas of Scott County. These land use districts are in conformance with the criteria specified in Minnesota State Rules:

70-7-1 Purpose

The development of shoreland of public waters must be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters to which they apply. Land use zoning districts are established to provide for:

1. The management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, presence of significant historic sites, or any other feature likely to be harmful to the health, safety, or welfare of the residents of the County;

2. The preservation of areas suitable for residential development from encroachment by commercial and industrial uses;

3. The centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development;

4. The management of areas for commercial or industrial uses which, by their nature, require location in shoreland areas;

5. The protection of valuable agricultural lands from conversion to other uses; and

6. The preservation and enhancement of the quality of water-based recreational uses of public waters including provisions for public accesses; and

7. The management of surface water, recognizing it as a valuable resource in which its quality and quantity directly affects the economic and social welfare of Scott County citizens.

70-7-2 Criteria for Designation

The land use districts in Chapters 25 through 60 of this Ordinance, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the Scott County Comprehensive Land Use Plan and the following criteria, considerations, and objectives:

General Considerations and Criteria for All Land Uses:

1. Preservation of natural areas;

2. Present ownership and development of shoreland areas;

3. Shoreland soil types and their engineering capabilities;

4. Topographic characteristics;

5. Vegetative cover;

6. In-water physical characteristics, values, and constraints;

7. Recreational use of the surface water;

8. Road and service center accessibility;

9. Socioeconomic development needs and plans as they involve water and related land resources;

10. The land requirements of industry which, by its nature, requires location in shoreland areas; and

11. The necessity to preserve and restore certain areas having significant historical or ecological value.

70-8 ZONING AND WATER SUPPLY/SANITARY PROVISIONS

70-8-1 Lot Area and Width Standards

The lot area and lot width standards for single family homes created after the date of enactment of this Chapter for the lake and river/stream classifications are the following:

1. For all lake and river/stream classifications, the minimum lot size shall meet the requirements of the zoning district in which the Shoreland lot is located.

2. Only land above the ordinary high water level of public waters shall be used to meet lot area standards.

3. Minimum lot width at the building setback line and the ordinary high water level on lots abutting classified public waters are as follows:

CLASSES OF PUBLIC WATERS	UNSEWERED RIPARIAN & NON-RIPARIAN		SEWERED RIPARIAN		SEWERED NON-RIPARIAN	
	Area	Width	Area	Width	Area	Width
Natural Environment Lake	2.5 acres	200 feet	40,000 sq. ft.	125 feet	20,000 sq. ft.	125 feet
Recreational Development Lake	2.5 acres	150 feet	20,000 sq. ft.	75 feet	15,000 sq. ft.	75 feet
General Development Lake	2.5 acres	150 feet	15,000 sq. ft.	75 feet	12,000 sq. ft.	75 feet
Agricultural & Tributary Rivers & Streams	2.5 acres	150 feet	20,000 sq. ft.	75 feet	20,000 sq. ft.	75 feet
Transition Rivers	2.5 acres	250 feet	20,000 sq. ft.	75 feet	20,000 sq. ft.	75 feet

70-8-2 Access to Public Waters

Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:

1. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

2. For all subdivisions with proposed controlled access lots located within the Prior Lake – Spring Lake Orderly Annexation Area the use will require a Conditional Use Permit and shall meet all of the standards set forth in the City of Prior Lake Zoning Code for Controlled Access Lots on General Development Lakes, as may be amended.

2. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased twenty-five percent (25%) for each watercraft beyond six (6).

3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and

4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

70-8-3 Placement, Design, and Height of Structures

Placement of Structures on Lots. All structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level. If there is one adjacent principal structure, the OHWL minimum setback may be the average of the required setback and the setback of the adjacent principal structure. The setback exceptions may be allowed provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

1. Structure and Individual Sewage Treatment System Setbacks from Ordinary High Water Level:

CLASSES OF PUBLIC WATERS	**UNSEWERED**		**SEWERED**
	Structure	**ISTS**	**Structure**

Natural Environment Lake	150 feet	150 feet	150 feet
Recreational Development Lake	100 feet	75 feet	75 feet
General Development Lake	75 feet	50 feet	75 feet
Agricultural & Tributary Rivers & Streams	100 feet	75 feet	100 feet
Transition Rivers	150 feet	100 feet	150 feet

2. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the water body:

	Setback from:	**Setback:**
a.	Top of bluff	30 feet
b.	Unplatted cemetery	50 feet

3. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

4. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

70-8-4 Design Criteria for Structures

1. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

   a. For lakes and protected wetlands, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher; where an outlet exists and has been defined; and

b. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a licensed professional consistent with Minnesota State Rules, governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

2. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties and planned unit developments;

b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space recreational properties and planned unit developments;

c. Canopies or roofs are not allowed on stairways, lifts or landings;

d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (a) to (e) are complied with in addition to the requirements of Minnesota State Regulations.

3. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

4. Steep Slopes. The Planning Department must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of individual sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

5. All buildings and structures must be in accordance with the State Building Code.

70-8-5 Height of Structures

All structures in zoning districts, except churches and agricultural structures, must not exceed thirty-five (35) feet in height.

70-8-6 Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.

1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 70-8-7 of this Chapter are exempt from the vegetation alteration standards that follow.

2. Removal or alteration of vegetation, except for agricultural uses as regulated in Section 70-8-11 is allowed subject to the following standards:

    a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is reviewed and approved by the Soil and Water Conservation District.

    b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal

dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, provided that:

(1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

(2) Along rivers, existing shading of water surfaces is preserved; and

(3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose safety hazards.

70-8-7 Topographic Alterations/Grading and Filling

1. Grading and filling and excavations necessary for the construction of structures, individual sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, individual sewage treatment systems and driveways. Land disturbing activity regulations of Chapter 6 of this Ordinance shall apply, if applicable.

2. Public roads and parking areas are regulated by Section 70-8-8 of this Chapter.

3. Notwithstanding Items 1 and 2 above, a grading and filling permit will be required for:

   a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

   b. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

   a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:

* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a Watershed District, the Minnesota Department of Natural Resources or the United States Army Corps of Engineers. The applicant will be so advised.

(1) Sediment and pollutant trapping and retention;

(2) Storage of surface runoff to prevent or reduce flood damage;

(3) Fish and wildlife habitat;

(4) Recreational use;

(5) Shoreline or bank stabilization; and

(6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Soil and Water Conservation District and the Natural Resource Conservation Service;

f. Fill or excavated material must not be placed in a manner that creates an unstable slope;

g. Plans to place fill or excavated material on steep slopes must be reviewed by licensed professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater;

h. Fill or excavated material must not be placed in bluff impact zones;

i. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota State Statutes;

j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, channels, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

70-8-8 Placement and Design of Roads, Driveways, and Parking Areas

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a licensed professional that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Soil and Water Conservation District or other applicable technical materials.

2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 70-8-7 of this Chapter must be met.

70-8-9 Stormwater Management

The following general and specific standards shall apply, as well as those in Chapter 6 of this Ordinance.

1. General Standards

    a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

    b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

    c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards

    a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area in Agricultural, Rural Residential, Residential Suburban, and Urban Reserve Districts and seventy-five percent (75%) in the Commercial and Industrial Districts.

    b. When constructed facilities are used for stormwater management, documentation must be provided by a licensed professional that they are designed and installed consistent with the field office technical guide of the Soil and Water Conservation District or other applicable technical materials.

    c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

70-8-10 Standards for Commercial, Industrial, Public, and Semipublic Uses

Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Chapter and Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

    a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff;

    b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

    c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

70-8-11 Agriculture Use Standards

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation

or operated in accordance with a conservation plan that is approved by Soil and Water Conservation District (SWCD) and achieves a comparable level of water quality protection as would permanent vegetation cover within the impact zones. Permanent vegetative cover within a shore impact zone may be mowed and harvested, provided such activities are performed in accordance with an operation and maintenance plan approved by the SWCD and addresses water quality, soil erosion, and wildlife habitat concerns.

The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

2. Animal feedlots, as defined by the Minnesota Pollution Control Agency, must meet the following standards:

   a. New feedlots must not be located within the bluff impact zone or within three hundred (300) feet of the ordinary high water level of a watercourse or lake.

   b. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed, with an approved Minnesota Pollution Control Agency feedlot permit, if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

70-8-12 Mining Standards

1. Site Development and Reclamation Plan. A mining and reclamation plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after mining activities end.

2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

70-8-13 Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in Section 2-6 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

2. The visibility of structures and other facilities as viewed from public waters is limited;

3. The site is adequate for water supply and individual sewage treatment system; and

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

Conditions attached to conditional use permits. The County Board, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Chapter. Such conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level;

2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

3. Special provisions for the location, design, and use of structures, individual sewage treatment systems, watercraft launching and docking areas and vehicle parking areas.

70-8-14 Water Supply and Sewage Treatment

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

1. All Individual Sewage Treatment Systems shall meet the requirements of the Scott County Individual Sewage Treatment System Ordinance No. 4.

2. Individual Sewage Treatment Systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 70-8-3 of this Chapter.

3. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 70-9-3 of this Chapter.

70-9 NONCONFORMITIES

All legally established non-conformities as of August 4, 1992, (the original effective date of this Chapter) may continue, but they will be managed in accordance with Chapter 3 of this Ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

70-9-1 Construction on Nonconforming Lots of Record

1. Lots of record in the Office of the County Recorder/Registrar of Titles on the date of enactment of shoreland controls that do not meet the requirements of Section 70-8-1 of this Chapter may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district; the lot has been in separate ownership from abutting lands at all times since it became substandard; was created compliant with official controls in effect at the time; and sewage treatment and setback requirements of this Chapter are met.

2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet 70% of the requirements of Section 70-8-1 of this Chapter the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting 70% of the requirements of Section 70-8-1 of this Chapter as much as possible.

70-9-2 Additions/Expansions to Nonconforming Structures

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 70-8-3 of this Chapter. Any deviation from these requirements must be authorized by a variance pursuant to Section 70-5-2.

2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

    a. The structure existed on the date the structure setbacks were established;

    b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

    c. The deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and

    d. The deck is constructed primarily of wood, and is not roofed or screened.

70-9-3 Nonconforming Sewage Treatment Systems

1. A sewage treatment system not meeting the requirements of Section 70-8-14 of this Chapter must be upgraded, at a minimum, at any time a permit or variance of any type is required for any expansion on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

2. Scott County has by Resolution #92029 of the Scott County Board of Commissioners notified the Commissioner of its program to identify nonconforming sewage treatment systems. Scott County will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time. Sewage systems installed according to all applicable local shoreland management standards in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Scott County Individual Sewage Treatment System Ordinance No.

4 for design of on-site sewage treatment systems, shall be considered nonconforming.

70-10 SUBDIVISION/PLATTING PROVISIONS

70-10-1 Land Suitability

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Scott County shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of Scott County.

70-10-2 Consistency with Other Controls

Subdivisions must conform to the Scott County Land Subdivision Ordinance No. 7. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. A subdivision will not be approved unless a domestic water supply is available and a sewage treatment system consistent with Section 70-8-14 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 70-8-1, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems, in compliance with Scott County Individual Sewage Treatment System Ordinance No. 4. Lots that would require use of holding tanks shall not be approved.

70-10-3 Information Requirements

Sufficient information shall be submitted by the applicant for Scott County to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at two-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

2. The surface water features required in Minnesota State Statutes, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from soil borings and

percolation tests performed in accordance with the Scott County Individual Sewage Treatment System Ordinance No. 4;

4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and

6. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

70-10-4 Dedications

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

70-10-5 Platting

All subdivisions that create lots or parcels for building permit purposes that are less than forth (40) acres in size shall be processed as a plat in accordance with Scott County Land Subdivision Ordinance No. 7.

CHAPTER 71: FP, FLOODPLAIN DISTRICT

71-1 PURPOSE

It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize those losses described in Section 71-3 by provisions contained herein. All terms, conditions and requirements of the following Sections shall pertain only to Chapter 71, Floodplain District. Where the terms, conditions and requirements of the following Sections conflict with any terms, conditions and requirements of the Ordinance, the former shall control. Otherwise, all terms, conditions and requirements of the Ordinance shall be deemed to be supplementary to those of this Chapter.

71-2 JURISDICTION

This Chapter shall apply to all lands within the jurisdiction of the un-incorporated area of Scott County shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

71-3 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and Chapter 394, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners of Scott County, Minnesota does ordain as follows:

71-4 GENERAL PROVISIONS

71-4-1 Findings of Fact

The flood hazard areas of Scott County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

71-4-2 Establishment of Official Zoning Map

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Chapter. The attached material shall include the Flood Insurance Study for the County of Scott prepared by the Federal

Insurance Administration dated February 19, 1987, and the Flood Boundary and Floodway Map and Flood Insurance Rate Map dated February 19, 1987 therein, as may be revised or amended by the Federal Emergency Management Agency (FEMA). The Official Zoning Map shall be on file in the Planning Department.

71-4-3 Methods Used to Analyze Flood Hazards

This Chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

71-4-4 Regulatory Flood Protection Elevation

The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

71-4-5 Interpretation

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County of Scott and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Planning Department, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

71-4-6 Warning and Disclaimer of Liability

This Chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of Scott County or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

71-5 ESTABLISHMENT OF ZONING DISTRICTS

71-5-1 Districts

1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map adopted in Section 71-4-2.

2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in Section 71-4-2.

3. General Floodplain District. The General Floodplain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Section 71-4-2.

71-5-2 Compliance

No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter. Within the Floodway, Flood Fringe and General Floodplain Districts, all uses not listed as permitted uses or conditional uses in Sections 71-6, 71-7 and 71-8 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Chapter and specifically Section 71-12; and As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a qualified professional as specified in the general provisions of this Chapter and specifically as stated in Section 71-11 of this Chapter.

71-6 FLOODWAY DISTRICT (FW)

71-6-1 Permitted Uses

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Industrial-commercial loading areas, parking areas, and airport landing strips.

3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Residential lawns, gardens, parking areas, and play areas.

71-6-2 Standards for Floodway Permitted Uses

1. The use shall have a low flood damage potential.

2. The use shall be permissible in the underlying zoning district. The underlying Zoning District of all floodplain areas are to be as indicated by the Scott County Zoning Map.

3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

71-6-3 Conditional Uses

1. Structures accessory to the uses listed in Section 71-6-1 above and the uses listed below as #2 through #7.

2. Extraction and storage of sand, gravel, and other materials.

3. Marinas, boat rentals, docks, piers, wharves, and water control structures.

4. Railroads, streets, bridges, utility transmission lines, and pipelines.

5. Storage yards for equipment, machinery, or materials.

6. Placement of fill.

7. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

71-6-4 Standards for Floodway Conditional Uses

1. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment,

or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2. All floodway conditional uses shall be subject to the procedures and standards contained in Section 71-11-4 of this Chapter.

3. The conditional use shall be permissible in the underlying zoning district. The underlying Zoning District of all floodplain areas are to be as indicated by the Scott County Zoning Map.

4. Fill.

   a. Fill, dredge spoils and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

   b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

   c. As an alternative, and consistent with subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Planning Advisory Commission and the County Board has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder of Registrar of Titles.

5. Accessory Structures.

   a. Accessory structures shall not be designed for human habitation.

   b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

c. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

(2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

6. Storage of Materials and Equipment.

a. The storage or processing of materials that are in time of flooding flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Planning Advisory Commission and the County Board.

7. Structural works for flood control that will change the course, current or cross Section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

8. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

71-7 FLOOD FRINGE DISTRICT (FF)

71-7-1 Permitted Uses

Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use districts. The underlying Zoning District of all floodplain areas are to be as indicated by the Scott County Zoning Map. All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Section 71-7-2 and the standards for all Flood Fringe "Permitted and Conditional Uses" listed in Section 71-7-5.

71-7-2 Standards for Flood Fringe Permitted Uses

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood proofed in accordance with Section 71-6-4, Accessory Structures (c).

3. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 71-7-2 (1) above.

4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

5. The provisions of Section 71-7-5 of this Chapter shall apply.

71-7-3 Conditional Uses

1. Any structure that is not elevated on fill or flood proofed in accordance with Section 71-7-2 (1 and 2) or any use of land that does not comply with the standards in Section 71-7-2 (3 and 4) shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 71-7-4 through 71-7-5 and 71-11-4 of this Chapter.

71-7-4 Standards for Flood Fringe Conditional Uses

1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces

or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) is designed to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

a. Design and Certification - The structure's design and as-built condition must be certified by a licensed professional as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

b. Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

2. Basements, as defined by Section 1.7 of this Ordinance, shall be subject to the following:

a. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

b. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Section 71-7-4 (3) below.

3. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

4. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a licensed professional. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5. Storage of Materials and Equipment.

   a. The storage or processing of materials that are in time of flooding flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

   b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Planning Advisory Commission and the County Board.

6. The provisions of Section 71-7-5 of this Chapter shall also apply.

71-7-5 Standards for All Flood Fringe Uses

1. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

2. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.

3. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 71-7-5 (2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable methods. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one-hundred (100) year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

71-8 GENERAL FLOODPLAIN DISTRICT

71-8-1 Permitted Uses

1. The uses listed in Section 71-6-1 of this Chapter shall be permitted uses.

2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 71-8-2 below. Section 71-6 shall apply if the proposed use is in the Floodway District and Section 71-7 shall apply if the proposed use is in the Flood Fringe District.

71-8-2 Procedures for Floodway and Flood Fringe Determinations within the General Floodplain District

1. Upon receipt of an application for a conditional use permit for a use within the General Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Planning Department for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

    a. A typical valley cross-Section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-Sectional areas to be occupied by the proposed development, and high water information.

    b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

    c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

2. The applicant shall be responsible to submit one copy of the above information to a licensed professional person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The licensed professional is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The qualified professional shall:

    a. Estimate the peak discharge of the regional flood.

    b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

    c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the

additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. The Planning Department shall present the technical evaluation and findings of the licensed professional to the County Board. The County Board must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The County Board, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Advisory Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the County Board shall refer the matter back to the Planning Department who shall process the permit application consistent with the applicable provisions of Section 71-6 and 71-7 of this Chapter.

71-9 SUBDIVISIONS

71-9-1 Review Criteria

No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Chapter and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the floodplain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

71-9-2 Floodway/Flood Fringe Determinations in the General Floodplain District

In the General Floodplain District, applicants shall provide the information required in Section 71-8-2 of this Chapter to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

71-9-3 Removal of Special Flood Hazard Area Designation

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly

elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

71-10 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

71-10-1 Public Utilities

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

71-10-2 Public Transportation Facilities

Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 71-6 and 71-7 of this Chapter. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

71-10-3 Individual Sewage Treatment Systems and Water Supply Systems

Where public utilities are not provided: 1) on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) new or replacement Individual Sewage Treatment Systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any Individual Sewage Treatment System designed in accordance with Scott County Individual Sewage Treatment Ordinance #4, as amended, shall be determined to be in compliance with this Section.

71-11 ADMINISTRATION

71-11-1 Planning Department

The Planning Department designated by the County Board shall administer and enforce this Chapter. If the Planning Department finds a violation of the provisions of this Chapter the Planning Department shall notify the person responsible for such violation in accordance with the procedures stated in Section 71-13 of the Chapter.

71-11-2 Permit Requirements

1. Permit Required. A permit issued by the Planning Department in conformity with the provisions of this Chapter shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

2. Application for Permit. Application for a permit shall be made to the Planning Department on forms furnished by said Department and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Planning Department shall determine that the applicant has obtained all necessary State and Federal Permits.

4. Certificate of Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Compliance has issued by the Planning Department stating that the use of the building or land conforms to the requirements of this Chapter.

5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Compliance. Permits, conditional use permits, or certificates of compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided by Section 71-13 of this Chapter.

6. Certification. The applicant shall be required to submit certification by a licensed professional that the finished fill and building elevations were accomplished in compliance with the provisions of this Chapter. Flood-proofing measures shall be certified by a licensed professional.

7. Record of First Floor Elevation. The Planning Department shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Planning Department shall also maintain a record of the elevation to which structures or and alterations and/or additions to structures are flood-proofed.

71-11-3 Board of Adjustment

1. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

2. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Chapter.

3. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in Minnesota State Statute, Chapter 394. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with Minnesota State Statutes, Chapter 394 which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

4. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Planning Department, or an application for a variance, a reasonable time for a hearing shall be scheduled and due notice given to the parties in interest as specified by law. The Planning Department shall submit, by mail, to the Commissioner of Natural Resources, a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

5. Decisions. The Board shall arrive at a decision on such appeal or variance within the time permitted by State Law. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Planning Department or other public official. It shall make its decision in writing

setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board may prescribe appropriate conditions and safeguards such as those specified in Section 71-11-4 (6) which are in conformity with the purposes of this Chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter under Section 71-13. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

6. Appeals. All decisions by the Board of Adjustment in granting variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in Scott County on questions of law and fact.

7. Flood Insurance Notice and Record Keeping. The Planning Department shall notify the applicant for a variance that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The Planning Department shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

71-11-4 Conditional Uses

In addition to the criteria as outlined in Section 2-6 of this Ordinance for the granting of a conditional use permit, the Planning Advisory Commission shall hear and make recommendations to the County Board on applications for conditional uses permissible under this Chapter as outlined below. Applications shall be submitted to the Planning Department who shall forward the application to the Planning Advisory Commission for consideration.

1. Hearings. Upon filing an application for a conditional use permit, the Planning Department shall submit by mail to the Commissioner of Natural Resources a copy of the application sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

2. Decisions. The Planning Advisory Commission shall arrive at a recommendation on a conditional use and shall forward said

recommendation to the County Board for consideration. In granting a conditional use permit the Planning Advisory Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 71-11-4 (6) which are in conformity with the purposes of this Chapter. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Chapter punishable under Section 71-13. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

3. Procedures to be followed by the Planning Advisory Commission in Recommending Conditional Use Permit Applications Within all Floodplain Districts.

   a. Require the applicant to furnish the following information and additional information as deemed necessary by the Planning Department for determining the suitability of the particular site for the proposed use:

      (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

      (2) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

   b. Transmit one (1) copy of the information described in subsection (a) to a licensed professional for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

   c. Based upon the technical evaluation of the licensed professional, the Planning Advisory Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4. Factors Upon Which the Recommendation of the Planning Advisory Commission Shall Be Based. In recommending conditional use

applications, the Planning Advisory Commission shall consider all relevant factors specified in other Sections of this Chapter, and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept onto other lands or downstream which may cause injury to others or may block bridges, culverts or other hydraulic structures.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a waterfront location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l. Such other factors which are relevant to the purposes of this Chapter.

5. Time for Acting on Application. The County Board shall act on an application in the manner described above within the time permitted by state law, except that where additional information is required pursuant to 71-11-4 (4) of this Chapter. The County Board shall render a written

decision within the time permitted by state law from the receipt of such additional information.

6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Chapter, the County Board shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Chapter. Such conditions may include, but are not limited to, the following:

    a. Modification of waste treatment and water supply facilities.

    b. Limitations on period of use, occupancy, and operation.

    c. Imposition of operational controls, sureties, and deed restrictions.

    d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

    e. Flood-proofing measures in accordance with the State Building Code and this Chapter. The applicant shall submit a plan or document certified by a qualified professional that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

71-12 NONCONFORMING USES

A structure or the use of a structure or premises which was lawful before the adoption of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

2. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (FP-1 through FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in (3) below.

3. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty percent (50%)

of the market value, as determined by the County Assessor, of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of Scott County's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the current market value, as determined by the County Assessor, of the structure, then the structure must meet the standards of Section 71-6 or 71-7 of this Chapter for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

4. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter. The assessor shall notify the Planning Department in writing of instances of nonconforming uses which have been discontinued for a period of twelve (l2) months.

5. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent (50%) or more if its market value, as determined by the County Assessor, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter. The applicable provisions for establishing new uses or new structures in Sections 71-6, 71-7 or 71-8 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Floodplain District, respectively.

71-13 PENALTIES FOR VIOLATION

1. Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with granting of variances or conditional uses, shall constitute a misdemeanor and shall be a misdemeanor, and upon conviction thereof, the responsible party shall be subject to a fine or imprisonment, as set forth in Minnesota Statutes, plus in either case, the cost of prosecution.

2. Nothing herein contained shall prevent Scott County from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

   a. In responding to a suspected violation of this Chapter, the Planning Department and Scott County may utilize enforcement actions available to it including but not limited to prosecution and fines,

injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the responsible party. The County must act in good faith to enforce these official controls and to correct violations of this Chapter to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

b. When a violation of this Chapter is either discovered, the Planning Department shall investigate the situation and document the nature and extent of the violation of the official control. This information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the County's plan of action to correct the violation to the degree possible.

c. The Planning Department shall notify the responsible party of the requirements of this Chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Planning Department may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, the Planning Department may either issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time, not to exceed thirty (30) days.

d. If the responsible party does not appropriately respond within the specified period of time, each additional day that lapses shall constitute an additional violation of this Chapter and shall be prosecuted accordingly. The Planning Department shall notify the landowner to restore the land to the condition which existed prior to the violation of this Chapter.

71-14 AMENDMENTS

1. The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural

Resources if determined that, through other measures, lands are adequately protected for the intended use.

2. All amendments to this Chapter, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Chapter and said notice shall include a draft of the amendment or technical study under consideration.

CHAPTERS 72-79: RESERVED

CHAPTER 80: OSD, OPEN SPACE DESIGN DEVELOPMENT

80-1 PURPOSE

1. The fundamental purpose of this Chapter is to encourage rural residential development to be clustered in a pattern which satisfies the following planning objectives:

    a. Reserve contiguous open spaces for agricultural production, scenic enjoyment, recreational use, rural identity, and/or to retain land resources for future development in the Rural Residential Reserve Cluster District and Urban Expansion Reserve Cluster District when appropriate infrastructure is available to support additional growth.

    b. Creation of cohesive high amenity neighborhoods in order to establish local identity and community interaction.

    c. Physical integration of neighborhoods, open spaces, and places of destination in order to create attractive living environments and avoid future urban/rural land use conflicts.

    d. To provide either public or privately owned open spaces for passive or active recreational use by the residents of the neighborhood or the larger community.

    e. To provide for a diversity of lot sizes, housing choices and development densities to accommodate a variety of ages and income groups.

    f. To implement the Scott County Comprehensive Plan objectives and policies with regard to rural area residential development, natural resource preservation, and public service delivery.

    g. Allow for housing to be concentrated on sites having low agricultural production value.

2. The diagrams included in this Section are provided to demonstrate graphically the purpose of the Open Space Design Development, its performance standards, and strategies by which the intended development pattern described by this ordinance may be achieved.

3. Creative application of this Ordinance is encouraged. However, its purpose and intent must be preserved. The County will encourage and support new development planned in compliance with the performance standards found in this Ordinance.

80-2 APPLICABILITY

The requirements in this Chapter shall only apply to the following seven existing Open Space Design Developments that were approved between 2001 and 2009: Territory OSD, Silver Maple Bay Estates OSD, South Passage OSD, Monterey Heights, Grand View Arbour OSD, Stonebridge OSD, and St Catherine's on the Bay OSD. No new applications or requests for Open Space Design Developments shall be accepted.

80-3 APPLICATION

1. A conditional use permit shall be required for an Open Space Design Development in the Rural Residential Reserve Cluster, Rural Residential Single Family, and Urban Expansion Reserve Cluster Zoning Districts pursuant to Section 2-6 of this Ordinance.

2. A conditional use permit application shall be filed with the County Planning Department in accordance with Section 2-6 of this Ordinance.

3. In addition to the informational requirements of Section 2-6-3.2 of this Ordinance, the following items shall be submitted as part of the conditional use permit application for the Open Space Design Development.

    a. General Location Map and Site Description.

        (1) General location map illustrating the development site in relationship to County and local roads and adjoining property.

        (2) Legal description of the entire site to be included in the residential cluster.

        (3) Identification of the property ownership adjoining the site.

        (4) Within the Urban Expansion Reserve Cluster District, the proximity to the nearest City boundary, public utilities, or orderly annexation area.

    b. Resource Inventory. The Open Space Design Development

conditional use permit application shall include a resource inventory as illustrated in Figure 80-A. The following mapped at a scale of no less than one (1) inch to one hundred (100) feet.

(1) Topographic contours at two (2) foot intervals showing rock outcrops and slopes of more than fifteen (15) percent.

(2) Soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.

(3) Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways.

(4) Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and individual stand-alone trees with a caliper of more than eighteen (18) inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age and condition.

(5) Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.

(6) Transportation systems and streets that adjoin or serve the site, functional classification, current and projected traffic volumes, and general condition.

(7) Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.

(8) Cultural resources. Brief description of historic character of buildings and structures, historically important landscapes, and archeological features.

(9) Neighborhood Context. General outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads, driveways and property boundaries within five hundred (500) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.

c. Yield Plan.

(1) The applicant shall submit a yield plan as illustrated in Figure 80-B, showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the Zoning Ordinance and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel. The minimum lot areas and width for each zoning district are as follows:

Base District Lot Requirements			
Zoning District	Density Unit/Acre	Minimum Lot Size (Acres)*	Minimum Lot Width (Feet)
UER-C	1 / 10	1	100
RR-1C	1 / 8	2.5	150
RR-2**	1 / 2.5	2.5	150

* Minimum lot size must include at least one (1) acre of buildable soil (non-hydric).

** RR-2 Density is based on buildable (non-hydric soils) land.

d. Concept Subdivision Plan as illustrated in Figure 80-C.

(1) One or more Open Space Design Development plans meeting the intent of this Chapter and including at least the following information:

(a) Open space areas indicating which areas are to be protected and defined by the purpose of the open space.

(b) Boundaries of areas to be developed and proposed general street and lot layout.

(c) Number and type of housing units proposed.

(d) Areas proposed for stormwater management and on or off-site sewage treatment.

(e) Said plans shall be drawn at a scale of no less than one (1) inch to one hundred (100) feet.

(2) Within the Urban Expansion Reserve Cluster and Rural

Residential Reserve Cluster Zoning Districts, a “build out plan” or “ghost plat” showing the ultimate development of the entire parcel at densities in conformance with the Scott County Comprehensive Plan, as amended, must be submitted as part of the concept subdivision plan.

e. Phasing Plan. Open Space Design Development may be phased in accordance with a unified development plan for the entire tract meeting the following requirements:

(1) A phasing plan identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each.

(2) The phasing plan shall be made a part of the subdivision approval and is effective for three (3) years from the date of preliminary plat approval unless extended by the County Board. If final plat approval is not received within three (3) years, the preliminary plat shall become null and void.

(3) Any common facilities within the approved phase of the Open Space Design Development, including golf courses, trails, play areas, shall be constructed prior to the sale of any lots and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.

(4) As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails and landscaping shall be provided.

f. Subdivision Application. Following or simultaneously with the Open Space Design Development conditional use permit application, a subdivision application may be processed in accordance with the Scott County Subdivision Ordinance No. 7. The preliminary plat shall illustrate compliance with the approved concept plan and the performance standards of this Chapter.

80-4 USES

Within an Open Space Design Development, the range of land uses shall be more limited than the base zoning district. The following uses are permitted within the Open Space Design Development, provided they comply with the performance standards of this Ordinance.

1. Permitted Uses.

a. Residential.

(1) Single family detached dwelling.

(2) Residential care facility serving six (6) or fewer persons in a single family detached dwelling.

b. Open Space. The following uses are allowed in designated open spaces based upon the open space designation.

(1) Future development open space.

(a) Agricultural uses.
(b) Trails (off road).
(c) Domestic sewage disposal systems.
(d) Informal turf play areas.
(e) Community gardens.
(f) Storm water management areas.

(2) Natural Habitat.

(a) Conservation (i.e., woodlands, meadows, wetlands).
(b) Storm water management facilities.
(c) Trails (off road).
(d) Nature observation structures.

(3) Recreational/Pedestrian Corridors.

(a) Trails (off road).
(b) Picnic areas.
(c) Community gardens.
(d) Turf play areas.
(e) Ball fields.
(f) Playgrounds.
(g) Courts (tennis, basketball, etc.).
(h) Swimming pools.
(i) Common open air buildings/structures.

2. Accessory Uses.

a. Residential.

(1) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Chapter, subject to application regulation of this Ordinance.

(2) Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.

(3) Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.

(4) Fences as regulated by Section 4-3-10 of this Ordinance.

(5) Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

(6) On-site parking and loading as regulated by Chapter 5 of this Ordinance.

(7) Recreational vehicles and equipment parking and storage.

(8) Accessory use antennas and satellite dishes for private use.

(9) Signs as regulated by Chapter 11 of this Ordinance.

b. Open Space.

(1) Accessory uses, buildings, structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Chapter, subject to applicable regulations of this Ordinance.

3. Conditional Uses. The following uses shall be allowed in a designated open space with a separately applied for and approved conditional use permit.

a. Golf course.

4. Administrative Permitted Uses. The following are uses allowed by administrative approval of an administrative permit based upon the procedures and criteria set forth in Chapter 2 of this Ordinance.

a. Personal wireless service antennas and related antenna accessory buildings located upon a public or quasi-public structure or existing tower as regulated by Chapter 13 of this Ordinance.

b. Fences taller than maximum height standards.

c. Grading permits.

d. Home occupations as regulated by Chapter 8 of this Ordinance.

80-5 DENSITY BONUS

The individual zoning districts shall establish the base residential density for the Open Space Design Development. The base density may be increased according to the following table, if all of the performance standards of Sections 80-8 and 80-9 of this Ordinance are complied with.

Zoning District	Base Density Unit / Acre	ISTS Bonus	Community Sewage Treatment System & Well Bonus
RR-1C	1 / 8	50%	100%
RR-2**	1 / 2.5	20%	45%
UER-C	1 / 10	50%	100%

** RR-2 Density is based on buildable (non-hydric soils) land.

80-6 OPEN SPACE STANDARDS

1. Purpose. The intention of this Ordinance is to promote the creation of open space through cluster residential subdivision design as a means for accomplishing the following objectives:

   a. Preserving buildable land supply to accommodate future County growth in the Rural Residential Reserve Cluster and Urban Expansion Reserve Cluster Districts.

   b. Preservation of land for continued agricultural production.

   c. Preservation of natural habitat areas and unique County land forms.

   d. Creation of open spaces for passive and active recreational uses.

   e. Establishment of a unified landscape amenity for the enjoyment of

the neighborhood.

2. Open Space Classification Designations. Each open space area shall be classified in one of the following categories: future development, natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification.

   a. Future Development. The future development area should be characterized by buildable non-hydric soils in areas that do not contain environmentally sensitive features that may be damaged by future development. The future development areas should be located in relation to the residential cluster subdivision in a manner that represents a logical expansion of the development pattern, extension of streets, utilities and other support infrastructure. A development build-out plan (ghost plat) shall be required consistent with Section 80-6-5 of this Ordinance for all future development outlots. A golf course may be included and considered a permanent land use within a future development open space.

   b. Natural Habitat. The development shall preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to greenways, fields, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shoreland, and other environmentally sensitive areas or desirable view sheds. Natural habitat open spaces may be preserved as easements or outlots with shared ownership among the property owners.

   c. Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding home sites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, or other permitted, conditional or accessory uses allowed within an Open Space Design Development.

   d. Pedestrian Corridors. Pedestrian corridor open spaces may include, but are not limited to, established regional trails, local pathways, paved walkways, and shorelines. Pedestrian corridor outlots shall be a minimum of twenty (20) feet in width. Pedestrian corridor open space shall be used for pedestrian, bicycle, and/or equestrian travel. Motorized vehicles shall be prohibited.

e. Habitable structures shall not be permitted in any open space outlot.

3. Ownership and Management. Each designated open space outlot shall be owned and managed according to the following means, subject to Township and County approval.

a. Future development open spaces may be retained under single ownership by persons who will use the open space for the purposes as provided by this Ordinance and/or any deed restrictions or permanent conservation restrictions.

b. Open space may be owned in common by the property owners created through subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision shall be mandatory.

c. Natural Environment. Open space may be deeded to an established land trust or non-profit organization. Management shall be the responsibility of the land trust or non-profit organization. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust or non-profit organization.

d. Recreational and Pedestrian Corridor. Recreational open space or pedestrian corridors intended as public parks or public trails shall be deeded to the Township. Management and maintenance of the public recreational areas shall be the responsibility of the Township.

4. Deed Restrictions. Each open space outlot shall conform to the deed restrictions associated with its open space classification.

a. Future development open space shall have a deed restriction on the outlot that maintains the property for agriculture use, or other open space permitted uses. A deed restriction shall be provided stating that development may occur upon the advent of one of the following events:

(1) Change in the County Comprehensive Plan and zoning that would permit a greater development density.

(2) The provision of public utilities and support infrastructure to the specific site that supports additional development density.

(3) Annexation of a site by a municipality having its own comprehensive plan and zoning authority.

b. A deed restriction shall be provided to potential homeowners of the residential lots within the Open Space Design Development identifying the intent for development of the future development open space.

c. Open Space may be protected by establishing conservation easements in perpetuity in favor of an established land trust or non-profit organization as provided in Minnesota statutes 84.64-84.65. Unless the document establishing the restrictions specifically provides to the contrary, the County shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content or the deed or other instrument establishing the restrictions must be approved by the County prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the County may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

d. Stormwater drainage systems located within open spaces or the residential lots shall be covered by utility and drainage easements dedicated on the final plat to the Township.

80-7 HOMEOWNERS ASSOCIATION

A homeowners association shall be established if the open space is owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. A homeowners association agreement, guaranteeing continuing maintenance shall be submitted to the County as part of the data required for the conditional use permit. The homeowners association documents or the 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 entitled 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. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.

6. Any other matter the developer deems appropriate.

80-8 OPEN SPACE DESIGN DEVELOPMENT

To qualify for an Open Space Design Development conditional use permit and related density increases, the following minimum requirements for open space must be met:

Base District	**Percentage of Required Open Space (Gross Acreage)**
UER-C	70%
RR-1C	60%
RR-2	30%

1. At least sixty (60) percent of buildable land (non-hydric soils) preserved for future development in the Rural Residential Reserve Cluster and Urban Expansion Cluster Districts.

2. Road rights-of-way may be located within the required open space area, but shall not be counted towards the required minimum open space.

3. At least twenty-five (25) percent of the open space shall be accessible to the residents of the development and shall be owned in common by all residents of the development.

   a. At least ten (10) percent of the “accessible” open space shall be suitable for recreational uses such as trails, playfields, or community gardens.

   b. A pathway system connecting open space area neighborhoods and to planned or developed trails on adjacent parcels shall be identified in the plan.

c. That portion of the open space designated for the location of sewage treatment facilities shall not be included as part of this accessible open space.

80-9 RESIDENTIAL CLUSTER PERFORMANCE STANDARDS

1. It is the intention of this Ordinance to promote residential cluster development which offers a variety of lot size, configuration, topography, and affordability. Evaluation and subdivision approval by the County shall be subject to demonstration by the applicant that the proposed development plan provides a cohesive residential cluster in a site design appropriate to the location of common open spaces.

2. Residential Cluster Siting Standards.

   a. Residential clusters should be sited to achieve the following goals, to the extent practicable. In cases where impact on one or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features.

      (1) Avoid prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.

      (2) Minimize disturbance to woodlands, hedgerows, mature trees or other significant vegetation.

      (3) Protect scenic views of open land from adjacent roads.

      (4) Protect existing historic buildings or incorporate them through adaptive reuse.

      (5) Preserve tracts of buildable (non-hydric soils) land in a size and configuration that can support future development in the UER-C and RR-1C Districts.

   b. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.

3. Residential Cluster Subdivision.

   a. An Open Space Design Development conditional use permit shall

only be granted to land parcels capable of supporting at least fifteen (15) residential lots including the density bonus identified in Section 80-5 of this Ordinance.

b. The intent of the Open Space Design Development is to create cohesive neighborhoods. In this respect, the Open Space Design Development may be subdivided into neighborhoods having no less than five (5) lots.

c. A neighborhood cluster shall be oriented toward an identifiable feature which all residential units share in common. Examples are as illustrated in Figures 80-D and 80-E. Neighborhood identity may be established by one (1) or more of the following features:

(1) View Shed. The lots of a neighborhood may be arranged such that a majority of the principle structure will take visual advantage of an identifiable feature, building, structure, greenway, wetland, woods, lake, stream, or other open space which could be described as a view shed.

(2) Streetscape. The lots may be arranged such that the principle structures face a local street enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the Township's/County's street design standards.

(3) Future Development. Subdivision design must demonstrate logical extensions of street and development patterns into future development outlots or adjoining properties in the UER-C and RR-1 Districts.

(4) Streets. Lots in a cluster subdivision shall receive direct access via local streets. Direct lot access from a County or State road will be prohibited.

4. Minimum Lot Size, Lot Width, and Setbacks.

	UER-C (ISTS)	**UER-C (Community)**	**RR-1C (ISTS)**	**RR-1C (Community)**	**RR-2 (ISTS)**	**RR-2 (Community)**
Lot Area	1 acre non-hydric	20, 000 sq. ft. #	1 acre non-hydric	20,000 sq. ft.	1 acre non-hydric	24,000 sq. ft.
Lot Width	100' *	100' # *	150' *	100' *	150' *	120' *
Front Yard Setback	30' local **	25' local # **	67' local **	25' local **	67' local **	50' local **
Rear Yard Setback	30'	30' #	60'	30'	60'	50'
Side Yard Setback	15'	15' #	30'	15'	30'	30'

* The minimum lot width shall be maintained at the required front yard setback line extending to the location of the principal building.

** One hundred fifty (150) feet from the centerline of a County or State road or one hundred (100) feet from the County or State road right-of-way, whichever is greater.

The minimum lot area, width and setbacks can be reduced provided the engineering and cost of converting the rural utilities, water, sewer, street, and storm water systems to the future urban municipal system, are fully addressed to the satisfaction of the adjacent municipality.

5. Landscaping. A landscape plan illustrating the following components shall be required with all Open Space Design Development applications:

a. Residential clusters shall be sited in a manner that preserves existing tree cover consistent with the Scott County Subdivision Ordinance No. 7, as amended.

b. A twenty (20) foot wide landscaped buffer yard shall be established where residential clusters abut a County or State road. The landscape buffer shall provide a green belt planting strip consistent with Section 4-4-1.a of this Ordinance.

c. The residential cluster shall provide a boulevard landscape plan that establishes a streetscape design. Said plan shall include a landscaped subdivision entrance and landscape accents that may include paver block pedestrian crossings or similar features

throughout the Open Space Design Development subdivision.

d. The Open Space Design Development landscaping shall include a landscape maintenance plan that outlines measures to insure the replacement of dead plantings and long term maintenance landscaping in common open space or public areas.

6. Streets.

a. All residential clusters shall be accessed via local streets that meet the design standards of the County and Township. Direct lot access from a County or State road is prohibited.

b. All local streets leading to and within a residential cluster shall be paved and have curbing.

c. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, future development, and open space areas to discourage reliance on County roads for local trips.

d. Dead-end streets are prohibited, and cul-de-sacs shall be permitted only where topography or other physical conditions justify their use.

e. The subdivision shall be responsible for the costs of County road improvements as determined by the County Engineer to accommodate the residential cluster.

f. Developer shall be responsible for the cost and installation of street signs within the subdivision.

g. Developer shall be responsible for the cost and installation of street lighting. Street lighting plan shall be required for the Open Space Design Development subdivision illustrating the type and location of street lights.

h. Flexibility from local street design guidelines including narrow street width, landscape medians, etc. may be approved by the Township Board.

7. Utilities.

a. All new subdivisions may be platted to accommodate homesite lots with either individual or community managed sewage treatment systems.

b. All sewage treatment systems shall conform to the performance standards of Minnesota Pollution Control Agency's Standards for Sewage Treatment Systems WPC-7080 and its appendices, and the Scott County's Individual Sewage Treatment System Ordinance No. 4.

c. All subdivision proposals shall be reviewed by a certified inspector designated by the County for suitability of platted lots to accommodate individual and/or communal sewage treatment systems.

d. A community sewage treatment system shall include an operating, financial, and management plan that is controlled by a public entity with taxing authority to insure proper maintenance, management and financing that is approved by the Township and County.

e. Communal drainfields shall be designed with sufficient land area for a replacement system shall be required.

f. Communal septic systems may have all or a portion of their required drainfields in open spaces provided:

(1) The ground cover is restored to its natural condition after installation.

(2) Recreational uses are prohibited above or within fifty (50) feet of their installation.

g. All homesite lots shall accommodate an on-site or an approved communal water supply system with reasonable backup.

h. All existing and proposed utility, power, and cable service lines shall be installed underground within easement locations approved by the County and/or Townships.

8. Grading and Drainage. The Open Space Design Development shall comply with grading and stormwater management performance standards of Chapter 6 of this Ordinance. Stormwater management plans shall encourage infiltration of stormwater.

80-10 BUILD OUT PLAN (GHOST PLAT)

A build out plan (ghost plat) shall be required for all Open Space Design Developments within the Rural Residential Reserve Cluster and Urban Expansion Reserve Cluster

Districts illustrating how the current subdivision will be integrated with the future development area. The build out plan shall illustrate:

1. How the land within the subdivision will be subdivided into urban or rural residential lots in the future.

2. The layout of future streets or extensions.

3. Easements for the extension of utilities and stormwater drainage.

4. Within the Urban Expansion Reserve Cluster Zoning District, the subdivision may be required to provide information on how public utilities may be extended to the subdivision to accommodate future urban development.

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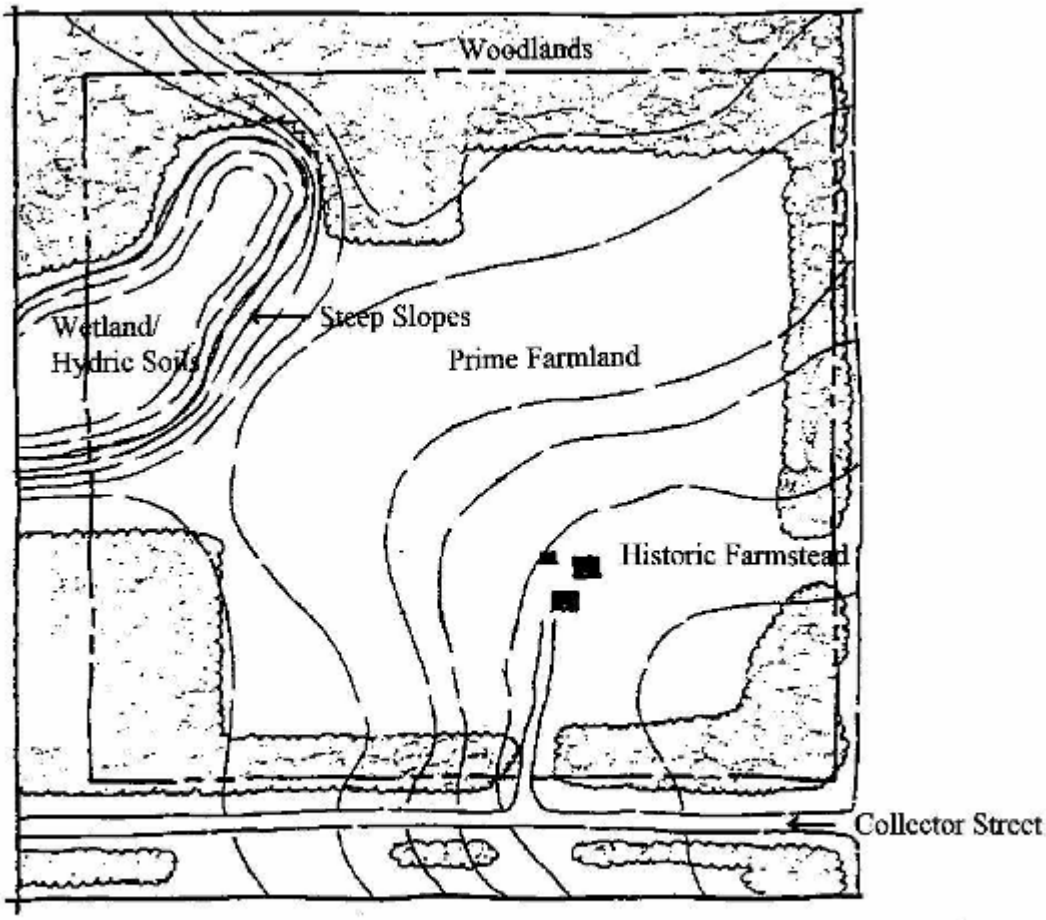

Figure 80-A Resource Inventory Inventory of the physical conditions of a proposed subdivision site.

Figure 80-B Yield Plan – Illustrates a proposed subdivision design and lot count based on the base zoning district. The example below reflects a subdivision in a Rural Residential Reserve Cluster Zoning District. The maximum permitted density for the district is one (1) unit per eight (8) acres. On a forty (40) acre tract, a maximum of five (5) lots are possible. A minimum of fifty (50) percent of the non-hydric land being subdivided for development must be dedicated to open space for future development.

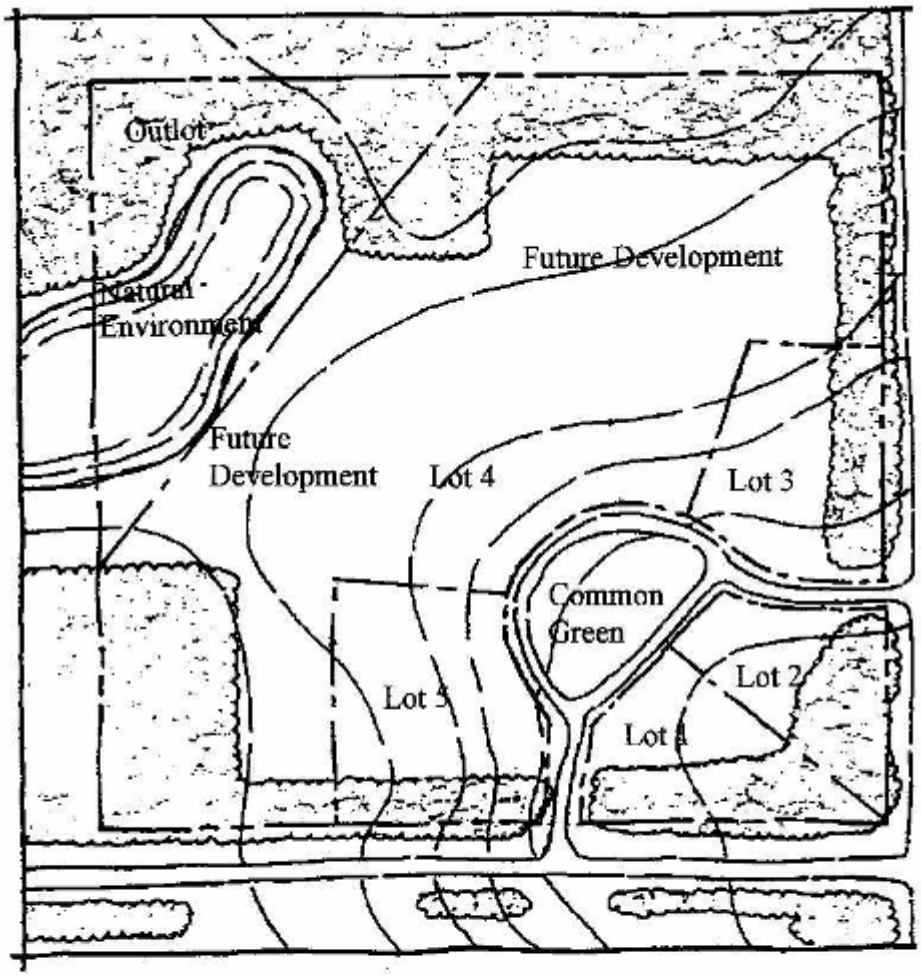

Figure 80-B Yield Plan Illustrates a proposed subdivision design and lot count based on the base zoning district. The example above reflects a RR-1C Rural Residential Reserve Cluster Subdivision. The maximum permitted density for the district is one (1) unit per eight (8) acres. For a forty (40) acre tract, a maximum of five (5) lots are possible. A minimum of fifty (50) percent of the non-hydric land being subdivided for development dedicated to open space for future development.

Figure 80-C Concept Plan – Illustrates lot layout and open spaces. Future development, natural habitat, pedestrian corridor, and neighborhood recreation open spaces are located on the development site according to their type of use.

Figure 80-C Concept Plan – Illustrates lot layout and open spaces. Future development, natural habitat, pedestrian corridor, and neighborhood recreation open spaces are located on the development site according to their type of use.

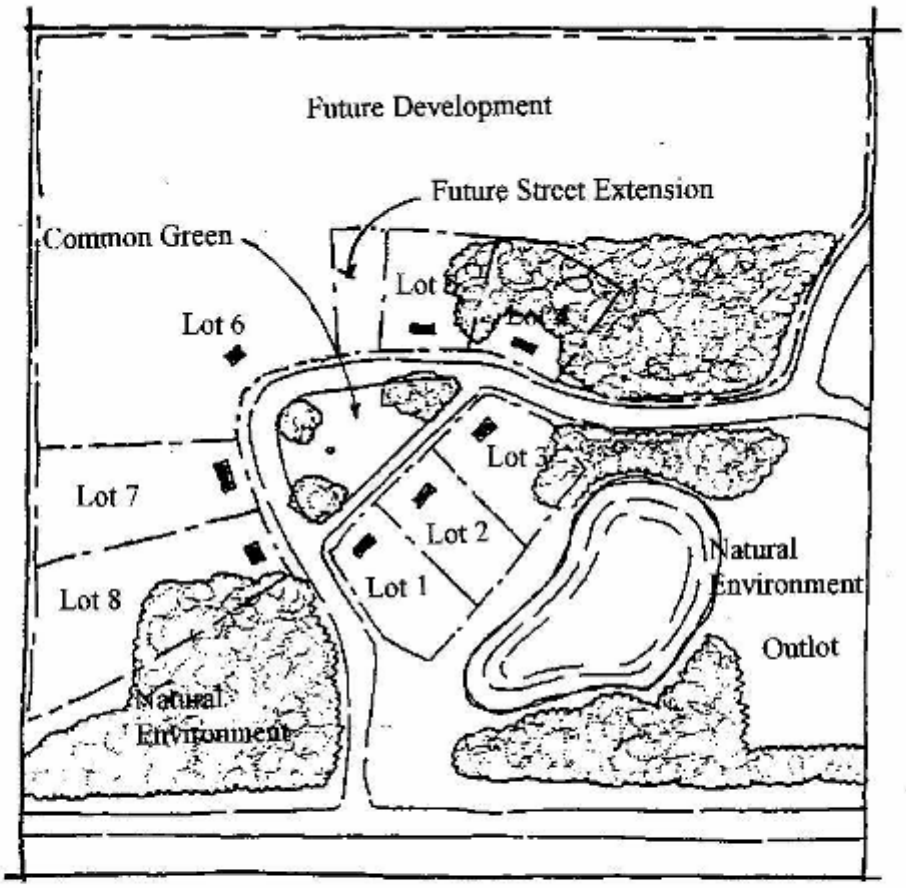

Figure 80-C Concept Plan Illustrates lot layout and open spaces. Future development, natural habitat, pedestrian corridor and neighborhood recreation open spaces are located on the development site according to their type of use.

Figure 80-D – An example of a neighborhood cluster orientated toward a viewshed or a physical amenity.

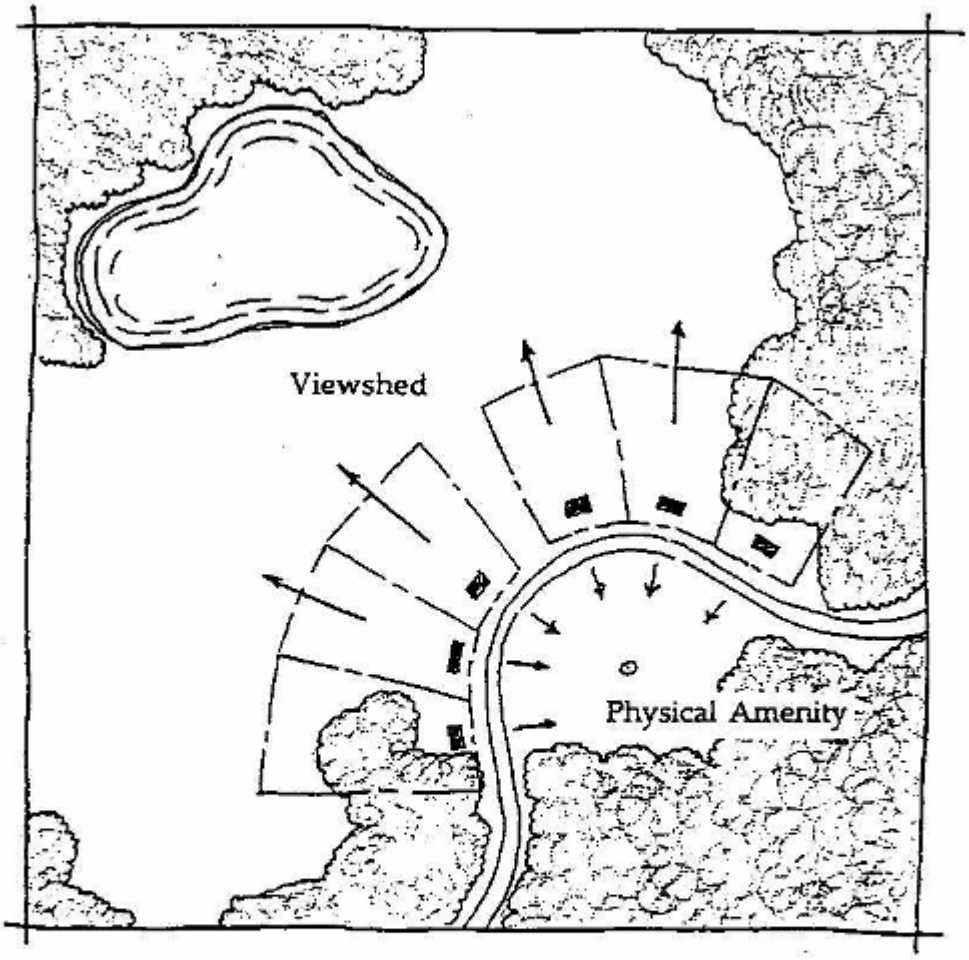

Figure 80-D An example neighborhood cluster oriented toward a viewshed or a physical amenity.

Figure 80-E – An example of a neighborhood cluster orientated toward a park, or green space at an intersection, with streetscape accents.

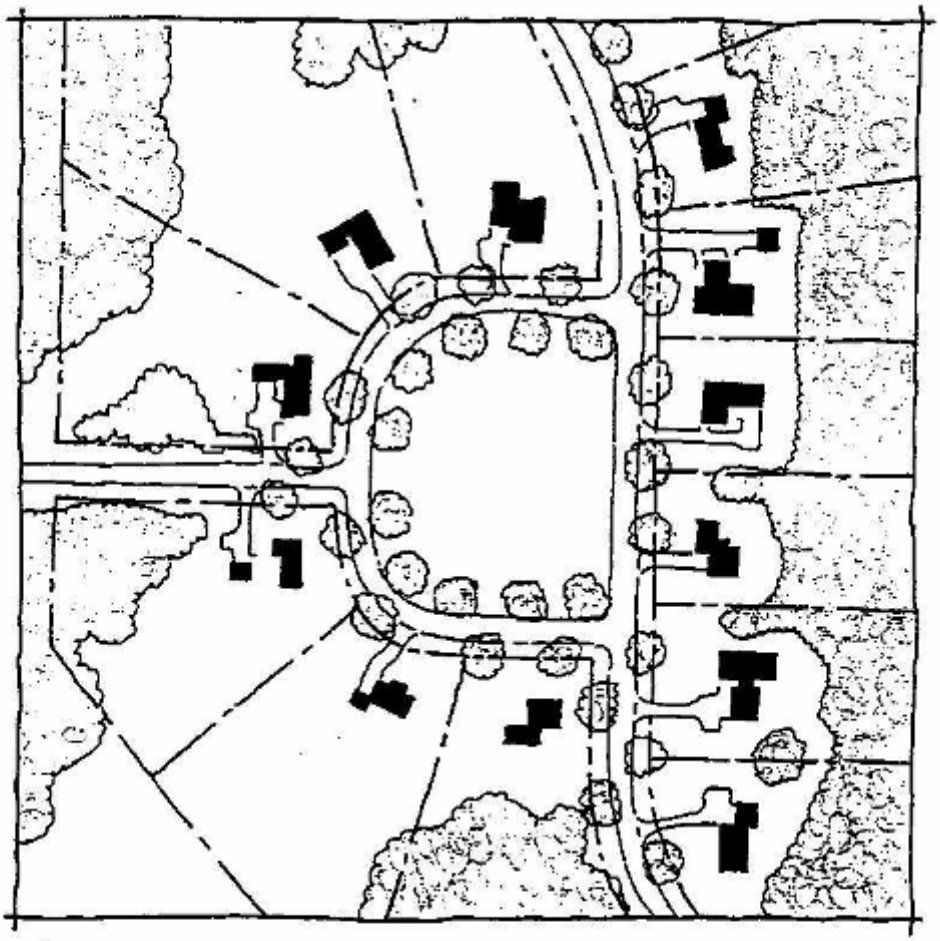

Figure 80-E An example neighborhood cluster oriented toward a park or green at an intersection and streetscape accents.

CHAPTER 81: PUD, PLANNED UNIT DEVELOPMENT DISTRICT

81-1 PURPOSE AND INTENT

The purpose of the Planned Unit Development (PUD) overlay zoning district is to provide a comprehensive procedure intended to allow greater flexibility and creativity in cluster residential and non-residential development than would be possible under a conventional zoning district. The PUD may be used to encourage residential, commercial, and industrial development which satisfies the following objectives:

1. Variety. Within a comprehensive site design concept, a PUD can provide for a diversity of lot sizes, mix of land uses, housing choices and residential development densities to accommodate a variety of ages and income groups.

2. Efficiency. In areas guided by the Comprehensive Plan, a PUD can preserve contiguous natural resource areas and open space to protect environmentally sensitive areas and provide scenic enjoyment, recreational use, agricultural production, rural identity, and/or to retain land for efficient future development when appropriate infrastructure is available to support additional growth.

3. Sensitivity. By departing from the strict application of required setbacks, yard areas, lot sizes, street widths, minimum requirements and other performance standards associated with conventional zoning, a PUD can maximize the development potential of land while remaining sensitive to its unique and valuable natural and cultural characteristics.

4. Integration. Through physical integration of neighborhoods, open spaces, and places of destination, a PUD can create attractive livable neighborhoods and avoid future urban/rural land use conflicts.

5. Value. Providing a more flexible approach, a PUD can be used to encourage the private sector into a collaborative development track that includes density bonuses in exchange for public values that promote varied housing options, improve public infrastructure systems, and encourage natural resource protection.

6. Vision. With regards to rural development, natural resource protection, and public service delivery, a PUD can implement the Comprehensive Plan objectives and policies and help realize the County's Vision.

The intent of the PUD overlay zoning district is to promote residential cluster, commercial, and industrial development that may offer a variety of lot sizes, configuration, topography, and affordability. Evaluation and subdivision approval shall be subject to demonstration by the applicant that the proposed development plan provides a cohesive site design appropriate to the location.

81-2 GENERAL STANDARDS

1. The PUD is allowed as a zoning overlay district in the A-3 Agricultural Preservation Density, RR-1C Rural Residential Reserve Cluster, RR-2 Rural Residential Single Family, RR-3 Rural Residential Suburban Single Family, UER-C Urban Expansion Reserve Cluster Zoning, ~~U~~TR-C ~~Urban~~ Transition Reserve Cluster, C-1 General Commercial, and I-1 Rural Industrial Districts.

2. Lot Size Minimum. Residential, commercial or industrial lot sizes may deviate from the minimum requirements set in the underlying zoning district. However, residential lots may not be reduced below one (1) acre of non-hydric soil if served by an individual sewage treatment system (ISTS). The minimum size for residential lots served by a community sewage treatment system (CSTS) shall be established in the overall development plan as part of the PUD General Plan.

3. Open Space Minimum. Under a residential PUD, the required open space area set aside for preservation or future development may deviate from the minimum requirements set in the underlying zoning district, ~~but the deviation shall not exceed ten (10) percent.~~ The Applicant shall demonstrate why deviation from the standards is in the public interest.

4. Integrated Design. A PUD shall consist of a compatible arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, signage, landscaping, and open spaces.

81-3 COORDINATION WITH OTHER REGULATIONS

81-3-1 Subdivision Reviews

1. Subdivision review under the Scott County Subdivision Ordinance No. 7 shall be carried out simultaneously with the review of a PUD under this article.

2. The plans required under this article must be submitted in a form, which will satisfy the requirements of Subdivision Ordinance No. 7 for the preliminary and final plats.

3. Flexibility of design standards and criteria of Subdivision Ordinance No. 7 may be allowed as part of a PUD; however, approval from the Township Board is required for flexibility from all Township standards, such as stormwater maintenance and local street design guidelines including narrow street width, landscape medians, etc.

81-3-2 ISTS/CSTS Reviews

1. ISTS or CSTS review under the Scott County Individual/Community Sewage Treatment System Ordinance No. 4 shall be carried out simultaneously with the review of a PUD under this article.

2. The plans required under this article must be submitted in a form, which will satisfy the requirements of Individual/Community Sewage Treatment System Ordinance No. 4 for creating new lots.

81-4 PROCEDURE FOR PROCESSING A PUD

The processing steps for a PUD provide clear direction to the Applicant as to the acceptability of the various segments of a PUD proposal and how it affects the public interest prior to a major expenditure of developmental funds. The necessary steps and applications, outlined in detail in the following sections, are:

1. Development Review Team (DRT). Pre-application meeting(s) with County staff and Township.

2. PUD Concept Plan. Initial consideration of overall proposal and plans by the Planning Commission and Township Board. No formal action is taken. (PUD Concept Plan may not be required for all proposals.)

3. PUD General Plan. Review of detailed PUD proposal and overall development plan approval.

4. PUD Final Plan. Final plan approval for all or a portion of the PUD proposal; review of individual phases for consistency with PUD General Plan.

81-5 DEVELOPMENT REVIEW TEAM

The Applicant for the proposed PUD shall attend a Development Review Team (DRT) meeting with County staff and Township officials. The primary purpose of the DRT meeting is to provide the Applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Chapter before incurring substantial expense in the preparations of plans, surveys, and other data. At the DRT meeting, the applicant shall be prepared to generally describe the PUD proposal and discuss County identified public values and any potential density bonus.

81-5-1 Application

1. A Development Review Team (DRT) application and fee shall be filed with the County Planning Department in accordance with Chapter 3, Sketch Plan, of the Subdivision Ordinance.

2. In addition to the informational requirements of Chapter 3, Sketch Plan, of the Subdivision Ordinance, the Applicant shall submit a written project description as to how the PUD proposal relates to Public Values Incentive Program, as defined in Section 81-10.

81-5-2 Procedure

1. The DRT application will be processed and reviewed in accordance with the procedures outlined in Chapter 3, Sketch Plan, of the Subdivision Ordinance.

2. PUD proposals will be reviewed to determine potential public values as outlined in Section 81-10. County identified public values will be presented to the Applicant at a DRT 1 meeting. The County will also present the potential density bonus available should the PUD proposal provide all of the Public Values identified on the subject site.

3. Should outstanding issues exist, additional DRT meetings may be required prior to submittal of the PUD Concept Plan.

81-6 PUD CONCEPT PLAN

Applicants shall prepare, at the discretion of the Planning Department, a PUD Concept Plan. The PUD Concept Plan provides an opportunity for the Applicant to submit an application and plan to the County showing the basic intent and the general nature of the entire development before incurring substantial cost. This PUD Concept Plan serves as the basis for initial review and comment by the Planning Commission and the

Town Board. Consistency with the Public Values Incentive Program, if applicable, will also be reviewed at this time. PUD Concept Plan review does not convey any legal development rights to the applicant.

81-6-1 Application

A PUD Concept Plan application, fee and escrow, and eight (8) paper copies of all required application materials shall be filed with the County Planning Department. The following elements shall be included in the PUD Concept Plan application:

1. Location map showing the property in relation to the surrounding area and important elements, including major roadways, public facilities, and parks.

2. Narrative description of the proposed planned unit development.

3. Map showing existing conditions and current community plans for the property and 500 feet beyond including at a minimum the following:

    a. Existing Comprehensive Plan and Zoning Designations.

    b. Natural area corridors, greenways and trail corridors identified on any approved long range community plans.

    c. Present use and existing buildings and structures.

    d. Property boundaries, ownership and approximate dimensions.

    e. Hydrologic characteristics including surface water, floodplains, wetlands, natural swales and drainageways based on readily available mapping information. A wetland delineation is not required for concept review.

    f. Natural resource information including wooded areas, wetlands, steep slopes, and prime habitat areas based on readily available mapping information.

    g. Location of public utilities, if applicable.

4. Map or maps showing the proposed development, including, as appropriate:

    a. Proposed land use patterns with a listing of uses, including descriptions of the anticipated housing types and densities. General “bubble” land use diagrams would be considered sufficient for concept review.

b. Public values as identified by the County. General areas identified as public values showing how they are incorporated into the design of the proposed development.

c. Existing and proposed roads and trail systems.

d. Park and open space systems.

e. Landscaping plan.

f. Staging and timing of development.

81-6-2 Procedure

1. Staff and any affected agencies shall provide a project evaluation and submit to the Planning Commission and Town Board for review.

2. The Planning Commission shall review and comment on the PUD Concept Plan at a regular meeting of the Planning Commission.

81-7 PUD GENERAL PLAN

The purpose of the PUD General Plan is to provide one or more specific plans upon which the Planning Commission will base its recommendation to the Board of Commissioners and with which substantial compliance is necessary for the preparation of the PUD Final Plan.

81-7-1 Application

General application materials required of a PUD General Plan shall be the same as for the approval of a preliminary plat, as outlined in Chapter 4, Preliminary Plat, of the Subdivision Ordinance. In addition to the informational requirements of the Subdivision Ordinance, the following items shall be submitted as part of the PUD General Plan application:

1. General Location Map and Site Description.

   a. General location map illustrating the development site in relationship to County and local roads and adjoining property.

   b. Legal description of the entire site to be included in the development.

c. Identification of the property ownership adjoining the site.

d. Within the Urban Expansion Reserve Cluster District, the proximity to the nearest City boundary, public utilities, or orderly annexation area.

2. Narrative description of the following:

a. Explanation on how the County identified public values are incorporated into the design of the overall development plan (if applicable).

b. Descriptive list of all deviations from the standard zoning regulations as proposed in the PUD General Plan and an explanation as to why these deviations provide a public benefit.

c. Explanation on how the Planning Commission's comments from the PUD Concept Plan review are incorporated into the design of the overall development plan (if applicable).

3. Resource Inventory. The PUD General Plan application shall include a resource inventory as illustrated in the following mapped at a scale of no less than one (1) inch to one hundred (100) feet.

a. Topographic contours at two (2) foot intervals showing rock outcrops and slopes of more than fifteen (15) percent.

b. Soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.

c. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways.

d. Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and individual stand-alone trees with a caliper of more than eighteen (18) inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age and condition.

e. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.

f. Transportation systems and streets that adjoin or serve the site, functional classification, current and projected traffic volumes, and general condition.

g. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.

h. Cultural resources. Brief description of historic character of buildings and structures, historically important landscapes, and archeological features.

i. Neighborhood Context. General outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads, driveways and property boundaries within five hundred (500) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.

4. Project Design. For commercial and industrial projects, preliminary architectural plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings and architectural guidelines for future development phases. For residential clusters that incorporate a common design theme, preliminary elevations and/or plans graphically depicting the proposed architectural guidelines to be applied to residential lots and common amenities.

5. Natural Area Conservation Easement. Any required conservation easement document shall meet the requirements outlined in Chapter 16 of this Ordinance.

6. Residential Development Yield Plan. For residential cluster PUDs, the applicant shall submit a yield plan which shall show the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for the underlying zoning district and other requirements of the Zoning Ordinance and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel.

7. Overall Development Plan. One or more development plans meeting the intent of this Chapter and including at least the following information:

a. Boundaries of areas to be protected for open space. Open space outlots should be labeled by open space type, as defined in Section 16-3.

b. Boundaries of areas to be developed and proposed general street and lot layout.

c. Number and type of housing units proposed.

d. Unified landscaping plan for entire development.

e. Boundaries of identified public values and detailed calculations of land area. Also, graphic representations showing how public values are incorporated into the design of the proposed development.

f. Areas proposed for stormwater management and on- or off-site sewage treatment.

g. Said plans shall be drawn at a scale of no less than one (1) inch to one hundred (100) feet.

h. A phasing plan identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units or lots, proposed improvements, and common facilities for each.

81-7-2 Procedure

1. In addition to the following guidelines, the PUD General Plan application will be processed and reviewed in accordance with the procedures outlined in Chapter 4, Preliminary Plat, of the Subdivision Ordinance.

2. In its final approval of a PUD General Plan, the Planning Commission and Board of Commissioners may include conditions which must be met before approval of a PUD Final Plan, and also conditions which are permanent.

3. A rezoning of a parcel of land to the PUD Overlay District shall not become effective until such time as the Board of Commissioners approves the PUD General Plan.

4. Agreement/Financial Guarantee. Following the approval of the PUD General Plan but prior to PUD Final Plan approval, the applicant shall enter into a three-way developer agreement with the County and Town Board relating to the terms of the PUD, and shall also provide such financial guarantees as the County and Town Board requires or deems necessary. The developer agreement shall be consistent with the standards listed in Chapter 10 of the Subdivision Ordinance.

81-8 PUD FINAL PLAN

The PUD Final Plan is to serve as a complete, and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other provisions of the Zoning Ordinance as the land use regulation applicable to the PUD.

81-8-1 Application

General application materials required of a PUD Final Plan shall be the same as for the approval of a final plat, as outlined in Chapter 5 of the Subdivision Ordinance. In addition to the informational requirements of the Subdivision Ordinance, the following items shall be submitted as part of the PUD Final Plan application:

1. Phasing Plan. A PUD may be phased in accordance with an overall development plan for the entire tract meeting the following requirements:

    a. A phasing plan identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units or lots, proposed improvements, and common facilities for each.

    b. The phasing plan shall be made a part of the subdivision approval and is effective for five (5) years from the date of PUD General Plan approval unless extended by the Board of Commissioners. If final plat approval is not received within five (5) years, the PUD General Plan shall become null and void.

2. Proof of recording any easements and restrictive covenants prior to sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

3. All certificates, seals and signatures required for the dedication of land and recording of documents.

81-8-2 Procedure

1. In addition to the following guidelines, the PUD Final Plan application will be processed and reviewed in accordance with the procedures outlined in Chapter 5, Final Plat, of the Subdivision Ordinance.

2. If no PUD Final Plan is submitted within six months of approval of the PUD General Plan, the Board of Commissioners may revoke approval of the PUD General Plan.

3. The PUD Final Plan shall comply in all respects with the approved PUD General Plan. Changes in the approved PUD General Plan shall follow the guidelines as stated in Section 81-11.

4. Roads and other improvements, including improvements to common open spaces, must be completed prior to recording the PUD Final Plan, unless adequate financial guarantees are provided to the County.

5. Except as otherwise expressly provided herein, upon receiving notice from the Planning Manager that the approved Final Plan has been recorded, all appropriate officials of the County may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved PUD Final Plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that all requirements of this Chapter which are applicable to the permit sought, have been satisfied.

6. Within one (1) year after the approval of a PUD Final Plan, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted and hereinafter provided, automatically render void all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the Zoning Chapter, and other Chapter provisions, applicable in the district in which it is located. In such case, the Board of Commissioners shall adopt a resolution repealing the PUD approvals and re-establishing the zoning and other provisions that would otherwise be applicable.

81-9 USES

Uses within the PUD may include only those uses generally associated with the underlying zoning district. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan as part of approval of the PUD General Plan. The development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in Section 81-11 of this Ordinance.

81-10 PUBLIC VALUE INCENTIVE PROGRAM

1. The underlying zoning district shall establish the base residential density for a PUD.

2. Providing one or more of the County-identified public values may result in an increase in density. Density bonuses may be approved up to the maximum density allowed for each residential land use category, as identified in the Comprehensive Plan.

3. County-identified public values eligible for a potential density bonus are defined in the Comprehensive Plan.

4. The awarding of a density bonus for each proposed public value shall be guided by the following schedule. The potential density bonus will be presented to the applicant at the DRT 1 meeting with the final bonus amount negotiated through the PUD General Plan review process. Based on this evaluation, the Planning Commission may deviate from the following schedule at its discretion.

Public Values Incentive Program		
Public Value	**Qualifies a High Public Value**	**Qualifies a Low Public Value**
Publicly Managed Utilities	CSTS system within a subordinate sewer district with a community water supply system ISTS systems within a subordinate sewer district with a community water supply system	Community water supply system
Public Roadway/Transitway	*Significant* ROW for arterial or collector roadway expansions or extensions *Significant* ROW for roads ALONG WITH land or easements for trails and/or natural resource protection ROW that provides a *critical* LINK or fills *critical* GAP in transportation system or that addresses *critical* SAFETY issue in transportation system <u>Installation of by-pass and/or turn lanes on State or County road to access local road or driveway.</u>	ROW for arterial or collector roadway expansions or extensions ROW that provides a LINK or fills GAP in transportation system

Public Values Incentive Program		
Public Value	**Qualifies a High Public Value**	**Qualifies a Low Public Value**
Public Parkland	*Significant* ACREAGE for regional or town parkland *Significant* QUALITY NATURAL RESOURCES protected through parkland dedication Parkland dedication that provides a *critical* LINK or fills *critical* GAP in regional park system Dedicated parkland that is in IMMINENT threat of development	ACREAGE for regional town parkland *Important* QUALITY NATURAL RESOURCES protection through parkland dedication Parkland dedication that provides a LINK or fills GAP in regional park system
Public Trailway	*Significant* ROW, GRADING and CONSTRUCTION for regional, county, or town trailway Trailway dedication that provides a *critical* LINK or fills *critical* GAP in regional, county, or town trail system Dedicated trailway that is in IMMINENT threat of development	ROW and GRADING for regional, county, or trailway Trailway dedication that provides a LINK or fills GAP in regional, county, or town trail system
Natural Resource Conservation	*Significant* ACREAGE of permanently protected Natural Area Permanent protection of HIGHEST QUALITY Natural Area Permanent protection of a Natural Area that provides a *critical* LINK or fills *critical* GAP in corridor system Permanent protection of a Natural Area that is in IMMINENT threat of development.	ACREAGE of permanently protected Natural Area Protection of MEDIUM QUALITY Natural Areas Protection of Natural Area that provides a LINK or fills GAP in corridor system
Regional Stormwater Management	*Significant* ACREAGE of dedicated land for a Regional Stormwater facility Dedication of land that provides a *critical* LINK or fills *critical* GAP for completion of Regional Stormwater system Permanent protection of an identified Regional Stormwater facility that is in IMMINENT threat of development.	ACREAGE of dedicated land for a Regional Stormwater facility Dedication of land that provides a LINK or fills GAP for completion of Regional Stormwater system

Public Values Incentive Program		
Public Value	**Qualifies a High Public Value**	**Qualifies a Low Public Value**
Wetland Restoration	*Significant* ACREAGE of restored and long-term managed Wetland Restoration and long-term management of HIGHEST QUALITY Wetland	ACREAGE of restored and long-term managed Wetland Restoration and long-term management of MEDIUM QUALITY Wetland
Livable and Sustainable Neighborhoods	Master planned community (25 lots or more) including amenities or infrastructure that *promotes* LIFECYCLE or SENIOR HOUSING, SUSTAINABILITY principles, and/or ACTIVE LIVING PRACTICES LOW IMPACT DEVELOPMENT that *reduces* runoff by 25 percent or more WATER CONSERVATION techniques/technology that *reduces* water usage by 25 percent or more Provides on-site ALTERNATIVE ENERGY SOURCE that provides 25 percent or more of expected energy use	LOW IMPACT DEVELOPMENT that *reduces* runoff by 15-24 percent WATER CONSERVATION techniques/technology that *reduces* water usage by 15-24 percent Provides on-site ALTERNATIVE ENERGY SOURCE that provides 15-24 percent or more of expected energy use ENVIRONMENTALLY FRIENDLY BUILDING materials and practices

81-11 AMENDMENTS/REVIEW

1. Minor changes in the location, placement, and heights of structures may be approved through an administrative permit, as set forth in Section 2-8, and authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.

2. Approval of the Planning Commission and Board of Commissioners is required when significant changes are proposed, such as changes in uses, significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open space, and any other changes which result in significant deviations from the approved PUD General Plan. These changes shall be consistent with the purpose and intent of the approved PUD General Plan.

3. Any amendment that proposes significant changes to an approved PUD General Plan shall follow the same procedures as outlined in section 81-7 of this Chapter.

4. The Board of Commissioners may require periodic review of a PUD as a condition to approval of a PUD General Plan in order to ensure

compliance with the conditions of the PUD. At such time the Board of Commissioners may, at its discretion, choose to take additional testimony on the PUD.

CHAPTER 82: HMU, HAMLET MIXED USE DISTRICT

82-1 PURPOSE

The purpose of this overlay district is to allow a mix of residential, public and small-scale commercial land uses to co-exist within the same zoning district. This overlay district is intended to be applied to "historic" crossroad hamlets in the rural areas of Scott County where homes, churches, public uses and non-residential uses are currently present. This district establishes regulations that better recognize the mix of land uses that have historically co-existed in the hamlets. It is not the intent of this district to create new areas to be developed as hamlets where rural settlement does not currently exist. The Comprehensive Plan identified properties eligible for this overlay zoning district.

82-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

Refer to Table 16-3 for a list of permitted, conditional, interim, administrative, and accessory uses for a property's underlying base zoning designation. The following Conditional Uses are allowed in this overlay zoning district:

1. Brewpub, Microbrewery, Micro-distillery
2. Convenience store – gas sales station
3. Daycare center
4. Offices and professional buildings
5. Open outdoor sales, rental or display area
6. Restaurant including fast food and drinking establishment
7. Retail commercial establishment
8. Schools and facilities serving less than 150 students
9. Single-family detached dwelling on an existing, vacant substandard-sized lot or parcel if the property meets County septic requirements.
10. Small animal veterinary clinic
11. Temporary outdoor promotional events and sales

82-3 DISTRICT PERFORMANCE STANDARDS

For any conditional use allowed in the overlay district as specified in Section 82-2, the following performance standards shall be observed, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure for a permitted conditional use shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings, or for temporary uses, or for a single family detached dwelling on a substandard sized lot.

2. Lot Size, Width and Depth. Lot must demonstrate sufficient size to accommodate two (2) individual sewage treatment systems. Lot depth and width shall be determined during the conditional use permit review process and shall be based on the following criteria:

   a. Relationship to the size and width of nearby properties
   b. Ability to meet parking, access, open space and storm water management needs or requirements

3. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way, whichever is greater. Twenty-five (25) feet from the right-of-way of a local public street. In situations where the setbacks of structures on abutting properties and/or on the same block are less than the above referenced standards for County roads or local public streets, the front yard setback may be determined based upon an average setback distance as determined by the Zoning Administrator.

4. Side Yard Setback Minimum, All Structures. Eight (8) feet, or on corner lot, see Front Yard Setback.

5. Rear Yard Setback Minimum, All Structures. Eight (8) feet

6. No structure shall be located within an easement.

7. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.

8. Structure Height Maximum. Thirty-five (35) feet

9. Parking. Requirements as listed in Chapter 5. Subject to the approval of the Zoning Administrator, all off-street parking shall be located on the side or rear of the principal building to maintain the street-scape character of historic hamlets.

10. Site Screening and Landscaping. Requirements as listed in Section 4-4 of this Ordinance

11. Exterior Lighting. Requirements as listed in Section 4-5 of this Ordinance.

12. Commercial Development Standards

   a. The size of a commercial or office building shall be determined during the conditional use review process based upon the following criteria:

amount of available site area, structure sizes located on nearby properties, and compatibility of design of proposed structure with other structures located within the hamlet.

b. The commercial building design requirements shall conform with Section 4-3-5 of this Ordinance. To the greatest extent possible, the design and materials shall match the historic architecture of the hamlet.

CHAPTERS 83-89: RESERVED

CHAPTER 90: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after _____, 2020.

SIGNED:

By: _____
Chairman of County Board

ATTEST:

By: _____
County Administrator

By: _____
County Attorney