DRAFT dated July 13, 2020

THE SCOTT COUNTY LAND SUBDIVISION ORDINANCE NO. 7

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

Comprehensive Revision #1 Adopted by Scott County Board May 24, 2011

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

AN ORDINANCE AUTHORIZING THE ADOPTION OF PROCEDURES FOR SUBDIVISION AND PLATTING OF LAND, PROVIDING FOR THE ORDERLY, ECONOMIC AND SAFE DEVELOPMENT OF LAND, AND PROVIDING FACILITIES TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE UNINCORPORATED AREA OF SCOTT COUNTY.

Any amendments to the Subdivision Ordinance
will be posted on Scott County web site at
www.co.scott.mn.us

AMENDMENTS

~~**Amended by the Scott County Board – June 3, 2014**~~

~~Amend Chapter 6 – Administrative Subdivision, Section 6-5 Recording~~

SCOTT COUNTY
LAND SUBDIVISION ORDINANCE NO. 7

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CHAPTER 1: GENERAL PROVISIONS

1-1 TITLE

This Ordinance shall be known as the Scott County Land Subdivision Ordinance No. 7, and will be referred to herein as the Ordinance.

1-2 PURPOSE

This Ordinance is adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the County.

2. To preserve land in tracts large enough for viable agricultural operations and future urban uses as identified in the Comprehensive Plan.

3. To protect and conserve the value of land throughout the County, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

4. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County.

5. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

6. To prevent the pollution of air, streams, and lakes; to ensure the adequacy of drainage facilities; to protect underground water resources and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the County.

7. To preserve the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features.

8. To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in the Zoning Ordinance.

9. Promote cooperation between the County and Townships in the administration of this Ordinance.

10. Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

1-3 JURISDICTIONS

The provisions of this Ordinance shall apply to all lands within the unincorporated areas of Scott County.

1-4 PLATTING AUTHORITY

The County Board shall serve as the platting authority of the unincorporated areas of the County in accordance with Minnesota Statute Chapters 394, 473 and 505, as may be amended. No plat or replat shall be filed or accepted for filing by the Office of the County Recorder unless adopted by the affirmative vote of the majority of the members of the County Board approving such plat or replat.

1-5 POLICY

1. It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the plat as subject to the control of the County pursuant to the Scott County Comprehensive Plan for the orderly, planned, efficient and economical development of the County.

2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other menace. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, wetland protection, potable water, domestic waste water, streets, and capital improvements such as schools, parks, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.

3. Each lot created under the provisions of this Ordinance must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis 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, 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 the County.

4. The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan, Detailed Area Plan, applicable highway corridor plans, Township Transportation Map, and the Capital Improvement Plan of the County or Township. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, Zoning Ordinance, the Comprehensive Plan, Township Transportation Map, and Capital Improvement Plan.

1-6 APPLICATION OF RULES

The language contained in this Ordinance shall be interpreted in accordance with the following rules of construction 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 masculine gender includes the feminine and neuter genders.

4. Whenever a word or term defined hereinafter appears in this Ordinance, its meaning shall be construed as set forth in such definition.

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

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

1-7 DEFINITIONS

For the purpose of this Ordinance the following definitions have the meaning given them solely for the purposes of implementation of this Ordinance:

Alley - A public right-of-way which affords a secondary means of access to abutting property.

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.

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.

Block - An area of land within a subdivision which is entirely bounded by streets or by a combination of streets, railroad right-of-way, or public parks, the exterior boundary or boundaries of the subdivision, or the shoreline of the above with a lake, stream, or river.

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.

Boulevard - That portion of the street right-of-way between the curb line or edge of pavement and the property line.

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.

Build Out Plan (Ghost Plat) – A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

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

Caliper – The diameter of replacement trees measured at a height of one (1) foot above the ground level.

Capital Improvement Plan - An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

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.

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 adopted and amended by the County Board.

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 Board - The Scott County Board of Commissioners.

Critical Root Zone (CRZ) – An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

Cul-de-sac - (See Street).

Developer - A person who submits an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

Diameter – The diameter of a tree measured at diameter breast height (four and one-half (4.5) feet from the uphill side of the existing ground level).

Drip Line – The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.

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, or other uses.-

Engineer - The Township and/or County Engineer or an engineer employed by the Township and/or County.

Escrow - The deposition of funds in an account maintained by the governmental unit specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

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

Financial Guarantee – A financial security consistent with Chapter 11 of this Ordinance, posted with the Township and/or County with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the Township and/or County.

Floodplain Related:

1. Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain 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 flood plain 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 flood plain 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 flood plain that result from designation of a floodway.

Forester – A person holding a bachelor's degree in forestry from an accredited four (4) year college of forestry.

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

Grade, Percentage of - The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.

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.

Improved, Lot - Any building, structure, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements may require financial guarantees under the provisions of this Ordinance.

Improvement, Public - Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Township or County responsibility is established.

Land Disturbance – Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

Landscape Architect – A person licensed by the State as a landscape architect.

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 lines for the application of this Ordinance.

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

Lot Line - A 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, 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 horizontal distance between the side lot lines of a lot measured at the building setback line, location of the principal building and, if applicable, ordinary high water level. For corner lots, lot width shall be determined by measuring the horizontal distance between a side lot line and the applicable opposite front lot line.

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

Minimum Subdivision Design Standards - The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plat.

Official Map - A map adopted in accordance with the provisions of Minnesota Statute 394.361, as may be amended.

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.

Outlot - A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks

at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the Township or County and the developer; or for a public purpose and for which no building permit shall be issued except for structures allowed in Chapter 16 of the Zoning Ordinance.

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

Plat - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute 505, as may be amended.

Plat, Final - The final map or drawing on which the developer's plan or subdivision is presented to the County Board for approval and which, if approved, will be submitted to the Office of the County Recorder for filing.

Plat, Preliminary - The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Advisory Commission and County Board for their consideration for compliance with the Comprehensive Plan, the Zoning Ordinance, and these regulations along with required supporting data.

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

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.

Registered Land Surveyor - A land surveyor licensed and registered in the State of Minnesota.

Resubdivision - A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, water main, sanitary sewers, storm drains, or any other use involving

maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

Road Right-of-Way Width - The horizontal distance between the outside edges of a road right-of-way.

Setback - The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

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 the Scott County Zoning Ordinance No. 3 on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

Significant Woodland – A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees between four (4) inches and twelve (12) inches or larger in diameter or coniferous trees between four (4) feet and twelve (12) feet or higher in height.

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. Private, ingress and egress easements shall not be considered streets. The following designations shall be used as described in the Scott County Transportation Plan:

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.

Minor Arterial - Highways which serve medium to short trips and provides 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.

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.

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

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

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.

Street Interconnectivity – The connecting of existing or planned streets with each other.

Street Width - The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

Subdivision - The creation of one or more lots under the provisions of this Ordinance.

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

Tree – Any of the following type of trees, as each is defined herein:

1. Coniferous Tree. A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.

2. Deciduous Tree. A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.

3. Significant Tree. A healthy tree measuring a minimum of six (6) inches in diameter for deciduous trees, or a minimum of twelve (12) feet in height for coniferous trees (except Willow, Boxelder, Aspen, Silver Maple, and Cottonwood).

4. Specimen Tree. A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

Zoning Ordinance - The Scott County Zoning Ordinance No. 3, as may be amended, regulating the use of land within the un-incorporated areas of the County.

1-8 RESTRICTIONS ON RECORDING AND BUILDING PERMITS

No subdivision shall be entitled to be recorded in the Office of the County Recorder, nor shall it have any validity unless approved under the provisions of this Ordinance. The County shall not issue building permits for any structure on any lot in a subdivision that has not received final approval pursuant to this Ordinance.

1-9 COMPLIANCE WITH COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP

No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, or Official Maps.

1-10 FEES

The fees for all applications and for all permits shall be established by the County Board by resolution. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

CHAPTER 2: GENERAL PROVISIONS FOR THE SUBDIVISION OF LAND

2-1 PLATTING REQUIRED

1. All subdivisions of land resulting in lots less than forty (40) acres shall be regulated by this Ordinance and shall be platted in accordance with the procedures of Chapters 3, 4 and 5 of this Ordinance, with the exception of those subdivisions of land specifically provided for in Chapter 6.

2. Whenever any subdivision of land is proposed, regardless of whether the land has been previously subdivided; before any contract is made for the sale of any part thereof; and before any permit for the erection of a structure on such proposed subdivision shall be granted; the subdividing owner or his authorized agent shall receive final approval of such subdivision in accordance with the procedures in Chapters 3, 4, and 5 of this Ordinance. A sign advertising the subdivision may be erected after preliminary approval is granted, in compliance with Chapter 11 of the Zoning Ordinance.

2-2 BUILD OUT PLAN (GHOST PLAT)

2-2-1 Application

A build out plan (ghost plat) shall be required for the following subdivision applications.

1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots that may be eventually resubdivided into smaller lots.

2. Cluster subdivisions or Planned Unit Development subdivisions that preserve open space for future development.

2-2-2 Design Requirements

The build out plan (ghost plat) shall illustrate the following:

1. Lot design consistent with the long range planning for the area (Comprehensive Plan).

2. The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, and future development areas

including outlots as a means of discouraging the reliance on Principal Arterial, Minor Arterial and Collector roads for local trips.

3. Easement locations for utilities and storm water drainage.

4. Locations of buildings or structures on the lots to accommodate future subdivision.

5. Additional information required for Future Development Outlots as identified in Chapter 16 of the Zoning Ordinance.

2-2-3 Right-of-Way Dedication

The County may require easements or right-of-way dedication and/or cash escrow or other financial guarantee in conjunction with plat approval to facilitate the future development of the build out plan (ghost plat).

2-2-4 Procedure

The build out plan (ghost plat) will follow the Sketch Plan procedure outlined in Chapter 3 of this Ordinance.

2-3 BOARD OF ADJUSTMENT/VARIANCES

A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use. But, where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal, the Board of Adjustment may approve variances from these subdivision regulations, provided that such variances shall not have the effect of nullifying the intent and purpose of this Ordinance, the Zoning Ordinance, or the Comprehensive Plan, and further provided the Board of Adjustment shall not approve or disapprove variances unless it shall make findings based upon the evidence presented in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

2. The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out.

4. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel.

5. The alleged hardship is caused by this Ordinance and has not been created by any persons having an interest in the parcel and is not a self-created hardship.

6. The requested variance is the minimum action required to eliminate the hardship.

2-3-1 Procedure

1. Pre-Application Meeting. Prior to submittal of a variance application, the property owner may submit a sketch plan and meet with the Zoning Administration staff and Township representatives to discuss the variance application. Through the pre-application, the Zoning Administration staff will summarize the information 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 Zoning Administration staff a completed variance application stating the hardship present, and provide all other information required by the Zoning Administration staff. 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 the reason the variance is required, the hardship involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the Comprehensive Plan and the Zoning Ordinance.

    b. Supporting information described by the Zoning Administration staff during the pre-application meeting and required by other sections of this Ordinance including, but not limited to, covenants, deed restrictions, or other legal provisions necessary to guarantee the full achievement of the

plan.

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

3. The Zoning Administration staff, upon receipt of the application, shall notify the applicant with fifteen (15) County business days if the application is found to be incomplete.

4. Upon receipt of a complete application, the Zoning Administration staff 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 the Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Zoning Administration staff. The Township recommendations received by the Zoning Administration staff 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 application.

8. The Board of Adjustment and Zoning Administration staff 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 may be amended.

10. Any variance or modification granted or denied shall be recorded in the minutes of the Board of Adjustment's record setting forth the reasons which justified the action and filed in the Office of the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administration staff shall be responsible for the document recording requirements of this section and shall maintain records of the variance request.

11. In approving variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.

12. All decisions of the Board of Adjustment in granting variances shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or 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.

13. 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.

14. If necessary, an extension of a variance shall be requested in writing and filed with the Zoning Administration staff 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, the Zoning Administration staff 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.

2-4 PREMATURE SUBDIVISIONS

Any preliminary plat/final plat and/or development deemed premature pursuant to the criteria

listed below shall be denied by the County Board.

2-4-1 Condition Establishing Premature Subdivisions

A subdivision may be deemed premature should any of the provisions which follow exist:

1. Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
   a. Surface or subsurface water retention and runoff is such that it constitutes a hazard resulting in flooding, loss of life, property damage, or other losses.

   b. The proposed subdivision will cause pollution of water bodies or damage to other natural resources.

   c. The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability.

   d. The proposed subdivision fails to comply with the storm water management requirements of Chapter 6 of the Zoning Ordinance.

   e. Factors to be considered in making these determinations may include: average rainfall for the area; area drainage patterns; the relationship of the land to floodplains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; the slope and stability of the land; and the presence of woodlands, wetlands, hydric soils, water bodies, and/or other natural resources.

2. Lack of Adequate Potable Water Supply. A proposed subdivision shall be deemed to lack an adequate potable water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.

3. Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

   a. County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and

paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, said roads are inadequate for the intended use.

b. The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.

c. The traffic generated by the proposed subdivision would negatively create or contribute to traffic safety conditions on arterial and collector roadway system if the proposed local road or private driveway access location is inconsistent with i.) the County's adopted minimum access spacing requirements along current or future Arterials and Collectors as mapped and identified in the County's Transportation Plan, ii.) the access locations identified in the County's adopted *Rural Residential Service Area Detailed Area Plan (DAP)* and corresponding future road and intersection maps approved by the Townships, or iii.) the access locations identified in long-range transportation corridor plans or studies.

4. Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate public or private sewer capacity in the present system to support the subdivision if developed to its maximum permissible density, or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Comprehensive Plan.

5. Inconsistency with Comprehensive Plan. A proposed subdivision shall be deemed inconsistent with the Scott County Comprehensive Plan when the subdivision is inconsistent with the purposes, objectives and/or recommendations of the adopted Comprehensive Plan.

6. Public Service Capacity. The County, Township or School District lacks necessary public service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.

7. Minnesota Environmental Quality Board (MEQB) Policies. The proposed subdivision is inconsistent with the policies of MEQB 25, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas, which are designated or officially recognized by the County Board as being in violation of Federal and State historical preservation laws.

8. Inconsistency with Capital Improvement Plans. A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the Scott County, Township or other regional Capital Improvement Plans. The County Board may waive this criteria when it can be demonstrated that a revision to capital improvement plans can be accommodated.

2-4-2 Burden of Evidence

The burden shall be upon the applicant to show evidence that the proposed subdivision or development is not premature.

CHAPTER 3: SKETCH PLAN

Developers shall prepare, at the discretion of the Zoning Administration staff, a sketch plan depicting a subdivision proposal. The sketch plan, and accompanying information, shall serve as the basis for discussions between the developer, the Zoning Administration staff, the Town Board representatives, and is intended to provide the developer with an advisory review of the subdivision without incurring major costs.

3-1 INFORMATION REQUIRED FOR SKETCH PLAN

1. Sketch Plan Information. Prior to the formulation of a preliminary plat, applicants may present a sketch plan to the Zoning Administration staff prior to filing of a formal application. The sketch plan will include the following information:

    a. Name and address of developer/owner.

    b. Date of plan preparation.

    c. Scale of plan (engineering scale only).

    d. North arrow indication.

    e. Legal description.

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

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

    h. Scaled drawing of the proposed subdivision sketch plan including street patterns and lot layout related to the natural features of the site, and adjoining properties.

    i. Densities based on underlying zoning district.

    j. Natural Features. A generalized drawing of natural features showing wetlands, lakes, drainage ways, woodland areas, and hydric soils.

k. Any required zoning changes.

l. Proposed timing and staging of development.

m. Proof of ownership or legal interest in the property in order to make application.

n. Additional information as required by the Zoning Administration staff.

3-2 FILING AND REVIEW OF APPLICATION

3-2-1 Procedure

1. An application for sketch plan along with the associated information and fee established by the County Board shall be submitted to the Zoning Administration staff

2. The Zoning Administration staff shall submit copies of the sketch plan and associated information to other staff, committees, consultants, or agencies as appropriate.

3. Development Review Team (DRT) Meeting. The sketch plan shall be presented to the Zoning Administration staff, other relevant agencies and departments, and Township representatives to discuss the proposed subdivision. Through this meeting, the Zoning Administration staff will summarize the information requirements and issues related to the specific subdivision request.

4. The Zoning Administration staff shall advise the developer as to the conformance of the subdivision with the Comprehensive Plan, the Subdivision Ordinance, Zoning Ordinance, Township Transportation Map, and other applicable official controls.

5. If the developer decides to proceed with the subdivision as proposed or revised, he may proceed with the preparation of the preliminary plat as provided in Chapter 4.

3-3 DETERMINATION OF REQUIREMENT FOR ENVIRONMENTAL REVIEW DOCUMENTS

County staff shall review the sketch plan and determine if an Environmental Assessment

Worksheet (EAW) or Environmental Impact Statement (EIS) is required pursuant to Minnesota Rules. Additional sketch information may be needed to help determine if an EAW or EIS is required. If an EAW or EIS is required, the benefits of an Alternative Urban Area-wide Review (AUAR) may be considered and recommended in lieu of an EAW or EIS. The Zoning Administrator shall notify the developer of the requirement.

CHAPTER 4: PRELIMINARY PLAT

4-1 INFORMATION REQUIRED FOR PRELIMINARY PLAT

After the completion of the sketch plan process, if requested, the owner or developer shall file with the Zoning Administration staff an application for preliminary plat approval. The preliminary plat stage is the point in the process that all information pertinent to the proposed development is furnished by the developer for review by County staff, the Town Board, the Planning Advisory Commission, the County Board, any other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. The preliminary plat is a plan of how property will be subdivided and developed.

Additional information or modifications may be required by County staff, Town Board, the Planning Advisory Commission or County Board and additional information may be requested during the review process. In certain cases some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision. -

Preliminary plat information is typically furnished on maps, however, some information is more appropriately submitted in other forms. The plat, and associated information, shall be submitted in a form that is legible, organized and understandable. The preliminary plat application shall consist of maps and accompanying documents.-

The applicant shall comply with all requirements of Chapter 6: Storm Water Management, Erosion Control, and Wetlands of the Zoning Ordinance.

The detail of information required for a one lot plat shall be determined by the Zoning Administration staff.

4-1-1 General Information

1. The proposed name of the plat.

2. Date of application, name, address, phone number and applicable license number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney or other principle involved in the development of the plat.

3. Proof of ownership or legal interest in the property in order to make application.

4. Township, school district, watershed management organization, or other special district in which the proposed plat is located.

5. Existing zoning or any zoning changes needed, or reference to any zoning or similar land use actions that have already occurred that are pertinent to the proposed development.

6. Total acreage of the land to be subdivided.

7. Boundary line survey and legal description. Identify any property within the subdivision that is registered (Torrens).

8. Five (5) folded paper copies of the preliminary plat and supporting documents, plus any additional copies deemed necessary by the Zoning Administration staff, plus one (1) reproducible copy reduced to 11" x 17". One (1) copy of preliminary plat and all related engineering plans in a digital format (PDF and DXF or GIS Shapefile file in County coordinates) compatible with County DXF requirements. Supporting plat documentation (wetland delineation reports, resource management plan, soils information, septic information, etc.) shall also be submitted in digital format (PDF or Microsoft Word.

9. North arrow and scale of one to two hundred (1/200) to one to fifty (1/50) depending upon the size of the plat and the detail of the information to be shown.

10. Existing covenants, liens, or encumbrances.

11. Proposed street names.

12. Results of site evaluation, including percolation tests and soil borings.

13. Use of road right-of-way when determining density and minimum lot size. See Chapter 4 of the Zoning Ordinance.

14. Any additional information as requested by the Zoning Administration staff.

4-1-2 Existing Features to Be Shown

1. Existing property lines and property lines extending two hundred (200) feet from the exterior boundaries of the parcel to be subdivided, including the names of the adjacent property owners shall be indicated.

2. Existing roads, both public and private, showing width of road, type of

construction, and any associated easements.

3. Any and all existing public and private easements with purpose of easement and types and location of any facility or installation that is located in the easement.

4. Location, size, capacity of all existing and abandoned drainage, stormwater, and agricultural tiles; individual sewage treatment systems, wells, and utilities, including poles located on the property and to a distance of two hundred (200) feet beyond the property.

5. Permanent buildings or other substantial land uses located on the property and to a distance of two hundred (200) feet beyond the property.

6. For all commercial and industrial developments and for residential developments requiring a resource management plan, topography at two (2) foot intervals, extending at least one hundred (100) feet beyond the limits of the property. Topography at ten (10) foot intervals, extending at least one hundred (100) feet beyond the limits of the property is required for all other development.

7. A tree and vegetation inventory survey prepared by a forester or landscape architect identifying tree coverage in the proposed subdivision in accordance with Chapter 9 of this Ordinance.

8. A report, prepared by a Minnesota Pollution Control Agency (MPCA) licensed designer, on the feasibility of individual sewage treatment systems (ISTS) and water systems on each lot or a communal or shared sewage and water system serving the subdivision. The report shall follow the rules of Scott County's Individual Sewage Treatment System Ordinance No. 4 and Minnesota Rules Chapter 7080, as may be amended, and include soil boring analysis and percolation tests to verify report conclusions.

9. A delineation of hydric soils within the subdivision. Acreage calculation for buildable land for lots (non-hydric land, non-floodplain land, and area above the ordinary high water level (OHWL) of lakes, rivers, and wetlands, determined using one of the following methods:

    a. Non-hydric soils as shown on the Scott County Geographic Information System (GIS); or

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

c. 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.

10. Waterways, watercourses, lakes, and wetlands with ordinary high water level and one hundred (100) year flood elevations shown on the map and delineated in the field.

11. The toe and top of any bluffs present.

4-1-3 Proposed Features to Be Shown

1. Proposed lot lines, dimensions, and the gross and non-hydric soil acreage of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown.

2. Proposed uses, including parks, stormwater retention areas, and areas of common ownership.

3. Location, grade, and width of proposed streets, pedestrian ways, bicycle paths, trails, walking paths and provision for extending streets to serve adjacent areas. Access and street classifications shall be consistent with the Scott County Comprehensive Transportation Plan.

4. Plans for the installation of electricity, street lights, telephone, gas, and drainage and stormwater facilities.

5. Location of proposed structures, driveways, percolation tests and soil borings, if applicable, and two (2) sites suitable for individual sewer treatment systems with the method outlined for protecting the alternate individual sewage treatment system site for future use.

6. Grading plans showing how the site will be graded and showing the final contours into the existing contours. Grading and/or Resource Management Plans shall be submitted consistent with Chapter 6 of the Zoning Ordinance, including erosion and sediment control measures to be implemented both during and after development. Locations for stockpiling of soils, the proposed 100 year floodplain elevation, and a vegetation restoration plan for all areas disturbed by grading shall be illustrated on the plan.

7. Three (3) copies of the wetland delineation and wetland mitigation plan shall be submitted in accordance with Chapter 6 of the Zoning Ordinance and Minnesota Wetland Conservation Act of 1991, as amended.

8. A tree preservation plan consistent with Chapter 9 of this Ordinance.

9. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater retention areas and easements for the installation of utilities.

10. The minimum setback requirements with resulting building envelope.

4-1-4 Additional Information Required

1. A build out plan (ghost plat), when applicable, depicting how the land within the subdivision may be further subdivided in the future.

2. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review.

3. Proposed title declarations for residential lots adjoining potential future development open spaces notifying the perspective homeowner of the intent to have the open space develop in the future.

4. Information or easements showing how public and/or private utilities, drainage, and roads can be extended to serve adjacent property.

5. Landscape and screening plans showing landscape plantings for street boulevards, subdivision entrances, and buffer yards.

6. Any additional information as requested by the Zoning Administration staff.

4-2 FILING AND REVIEW OF APPLICATION

The preliminary plat application shall be considered to be officially filed when the Zoning Administration staff has received and examined the application and has determined that the application is complete.

4-2-1 Procedure

1. Sketch Plan. Prior to submittal of a preliminary plat application, the property owner may submit a sketch plan and meet with the Development Review Team (DRT) to discuss the subdivision application in accordance with Chapter 3 of this Ordinance.

2. The applicant shall meet with the Development Review Team (DRT) comprised of the Zoning Administration staff, other agencies or departments, and Township representatives to discuss the proposed preliminary plat application. Through this DRT meeting, the Zoning Administration staff shall summarize the information requirements and issues related to the request. A second DRT meeting may be scheduled if deemed warranted to assist the applicant in the submission of a complete application.

3. The person applying for preliminary plat approval shall submit to the Zoning Administration staff a complete application and all other information required no later than six (6) weeks prior to a regularly scheduled Planning Advisory Commission meeting. The application shall address the informational requirements and issues identified through the sketch plan review procedure.

4. A complete preliminary plat application shall include:

   a. A graphic and written description of the information requirements outlined in Section 4-1 of this Ordinance.

   b. Supporting information described by the Zoning Administration staff during the sketch plan review or subsequent DRT meeting. The Zoning Administration staff may request the applicant to provide documentation that describes the subdivision'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 and processing escrow established by the County Board.

5. The Zoning Administration staff, upon receipt of the application, shall notify the applicant within fifteen (15) County business days if the application is found to be incomplete.

6. The Zoning Administration staff shall refer copies of the preliminary plat to other staff, committees, consultants, or agencies as appropriate.

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

8. 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 Zoning Administration staff. The Township recommendations received by the Zoning Administration staff will be forwarded to the Planning Advisory Commission for their consideration of the application at a public hearing.

9. The Planning Advisory Commission shall hold a public hearing on the proposed preliminary plat. 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 shall be sent at least ten (10) days before the hearing date to the governing bodies of townships and municipalities located within two (2) miles of the property in question within the County. In un-incorporated areas of the County, property owners of record within one-half (1/2) mile of the affected property shall be notified in writing of the public hearing. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed preliminary plat 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.

10. The applicant, or his representative, shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed preliminary plat.

11. The Planning Advisory Commission and Zoning Administration staff shall have the authority to request additional information from the applicant concerning a preliminary plat. 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 by the County Board.

12. The Zoning Administration staff shall prepare a staff report of the findings and recommendations of the Planning Advisory Commission. The recommendations of the Planning Advisory Commission may be conditional and may be approval or denial of all or part of the preliminary plat. The recommendation shall be forwarded to the County Board for consideration.

13. The County Board shall take action on the application within one hundred twenty (120) days following delivery of an application completed in accordance with the regulations of this Ordinance. If it grants the preliminary plat, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare.

14. The County Board shall take action on the application with a motion of approval or denial which shall include findings of fact, and shall be entered in the proceedings of the County Board and transmitted to the applicant in writing.

15. If the preliminary plat is approved by the County Board, the subdivider must submit a complete application for final plat within six (6) months after said approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing by the applicant and approved by the County Board or a time as provided in the developer's agreement.

CHAPTER 5: FINAL PLAT

5-1 FILING AND REQUIREMENTS FOR APPLICATION

Approval of a preliminary plat by the County Board is an acceptance of the general layout, as submitted, and indicates to the developer that he may proceed toward final plat approval in accordance with the County Board approval of the preliminary plat, including conditions.

A complete application for final plat shall be submitted no later than six (6) months after the date of approval of the preliminary plat, or a time as provided in the developer's agreement. Otherwise, the preliminary plat approval shall be considered void, unless an extension is requested in writing by the developer, and for good cause, is granted by the County Board.

The final plat application shall have incorporated all the conditions of County Board approval of the preliminary plat. In all other respects the final plat shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at that time, provided that such portion conforms with all the requirements of this Ordinance.

Approval of the engineering specifications required by this Ordinance pertaining to drainage, domestic waste water, street lighting, gas and electric service, grading, roadway standards, widths, and surfacing of streets, shall be completed by the Town Board and the County staff and appropriate development contracts signed prior to approval of the final plat by the County Board.

5-1-1 Information Required for Final Plat

1. Three (3) or four (4) mylar copies of the final plat (number to be determined by the County Surveyor).

2. One (1) reproducible copy reduced to 11" x 17" of the final plat.

3. Five (5) blueline copies of the final plat and supporting documents, plus any additional copies deemed necessary by the Zoning Administration staff plus one (1) reproducible copy reduced to 11" x 17". One (1) copy of the final plat, approved preliminary plat, wetland delineation, topography contours, and all approved engineering plans in a digital format (PDF or DXF or GIS Shapefile file in County coordinates) compatible with County DXF requirements.

4. One (1) up-to-date (within three (3) months) title insurance or opinion, as the County Attorney or Zoning Administration staff may require.

5. One (1) copy of the three-way developer's agreement, including signature lines for the Town Board, developer, and the County.

6. One (1) copy of any title declaration, deed restriction, restrictive covenant, or homeowner's association documents in recordable form.

7. Two (2) copies of the final plat shall be submitted to the County Surveyor and two (2) copies to the County Recorder to be checked for compliance with the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines SCOTT COUNTY EDITION, as may be amended.

8. One (1) copy of the approved Resource Management Plan in compliance with the requirements of Chapter 6 of the Zoning Ordinance.

9. Other information as may be required by the County.

5-2 REVIEW, APPROVAL, OR DENIAL

The final plat application shall be considered to be officially filed when the Zoning Administration staff has received and examined the application and has determined that the application is complete.

1. If all of the conditions for approval of the preliminary plat have been incorporated into the final plat, the Zoning Administrator shall have the authority to bypass further review of the Planning Advisory Commission and forward directly to the County Board for final action.

2. The County Board shall approve or deny the final plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered in the proceedings of the County Board and transmitted to the applicant in writing.

5-3 FORM AND CONTENT

The final plat shall be of the form and content as prescribed in the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines SCOTT COUNTY EDITION, as may be amended.

5-4 RECORDING

If the final plat is approved by the County Board, the developer shall record the plat within the

Office of the County Recorder within ninety (90) days after the date of approval, otherwise the approval of the final plat shall be considered void.

5-5 SECURITY/FEES

Prior to recording of any final plat, all fees, charges, and escrows shall be paid in full covering the costs of the Township and County related to the approved final plat.

5-6 PARTIAL APPROVAL - EXTENSION OF PRELIMINARY PLAT APPROVAL

Upon receiving approval of a final plat for a portion of the approved preliminary plat, the developer's agreement shall identify an expiration date for the preliminary plat up to a maximum of five (5) years from preliminary plat approval. If the development is a phased action, the County Board shall recognize the phasing at the time of final approval of the phase of the preliminary plat.

5-7 RECORD PLANS

The developer shall submit for review and approval all proposals to change the original plans regarding road construction, drainage, and stormwater management. The developer must obtain written approval by the Town Board and the County prior to changes to the plans. The developer shall submit one (1) set of record plans and one (1) digital plan set (PDF and DXF or GIS Shapefile) indicating all changes in the work, including accurate as-built locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the completed work.

CHAPTER 6: ADMINISTRATIVE SUBDIVISION

6-1 APPLICATION OF PROVISIONS

Notwithstanding the requirements of Chapter 2 of this Ordinance, the provisions of this Chapter shall apply only to those subdivisions allowed through the administrative subdivision process.

6-2 ADMINISTRATIVE SUBDIVISION

The following shall be considered administrative subdivisions:

1. The exchange of abutting land between owners, the addition of land to an existing lot or the relocation of the boundary line between two abutting, existing parcels of property, (platted or metes and bounds) provided such exchange, addition or relocation shall not cause the creation of an additional parcel or parcels and the resulting parcel(s) comply with the requirements of the Zoning Ordinance.

2. The subdivision of a farmstead or homestead from a parcel 40 contiguous acres or larger in size, where no vacant developable lots are being created or new roads or other public infrastructure is needed, and the resulting parcel complies with the requirements of the Zoning Ordinance.

3. The platting of County road rights-of-way.

6-3 FILING AND REVIEW OF APPLICATION

Whenever any subdivision of land as outlined in Section 6-2 is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an administrative subdivision.

The administrative subdivision application shall be considered to be officially filed when the Zoning Administration staff has received the application and has determined that the application is complete.

6-3-1 Information Required for Administrative Subdivision

1. A certificate of survey shall be prepared by a licensed land surveyor showing:

    a) Name and address, including telephone number, of legal owner and/or agent of property.

b) All contiguous property and all roads and their legal name.

c) Proposed new property lines with dimensions noted.

d) Existing and proposed driveway location.

e) Location of any existing and proposed legal rights-of-way or public and private easements encumbering the property.

f) Proposed legal description of the original parcel(s) and proposed parcel(s).

g) Topographic data at ten (10) foot contour intervals. Data at two (2) foot contours may be required if deemed necessary by the Zoning Administration staff

h) Location, purpose and dimensions of all existing buildings. Location shall note distance of those buildings closest to property lines from the existing and proposed property lines.

i) Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands and the toe and top of any bluffs present. When applicable, the ordinary high water level and 100-year flood elevations shall be shown.

j) Location of a primary and an alternate site for individual sewage treatment systems.

2. A copy of percolation tests and soil borings, if applicable, and two (2) sites suitable for individual sewer treatment systems with the method outlined for protecting the alternate individual sewage treatment system site for future use

The following additional information is required for farmstead/homestead subdivisions

3. Three (3) copies of the wetland delineation and wetland mitigation plan shall be submitted in accordance with Chapter 6 of the Zoning Ordinance, and Minnesota Wetland Conservation Act of 1991, as amended.

4. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater retention areas and easements for the installation of utilities in accordance with Chapter 6 of the Zoning Ordinance.

5. Street right-of-way widths for County roads shall comply with the performance standards of the Township or Scott County Highway Department reflective of the functional classification of the subject site.

6-4 PROCEDURE

The Zoning Administration staff shall review the documents and may approve the administrative subdivision when said application complies with the Comprehensive Plan, the Zoning Ordinance, or any other official controls of the County.

Prior to approval of an application for administrative subdivision the County and/or the Township reserves the right to require the vacation and/or dedication of street right-of-way, drainage and utility easements.

The land exchanged, added to, or relocated and combined to a property as indicated in 6-2 (1), shall be considered a single lot for zoning purposes. If possible the lots shall be combined under one (1) Tax Parcel Identification Number (P.I.D.) and one (1) deed.

Two (2) or more parcels required to be considered one parcel for zoning purposes by the Zoning Administration staff 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."

6-5 RECORDING

If the administrative subdivision is approved by the Zoning Administration staff, the applicant shall record the deed, and the accompanying survey, in the Office of the County Recorder within forty-five (45) days after the date of approval, otherwise the approval of the administrative subdivision shall be considered void.

For any administrative subdivision, including re-platting of existing platted lots, a plat prepared in accordance with Minnesota Statute Chapter 505 may be recorded in lieu of a deed and survey. A plat prepared in accordance with Minnesota Statute Chapter 505 can also be required for recording as determined by the Scott County Surveyor and Zoning Administration staff. Said plat shall be signed by the Scott County Zoning Administrator, or designee, to indicate compliance with the requirements of this Ordinance and Minnesota Statute Chapter 505.03 Subdivision 1.

Lot fees and per-acre charge fees associated with Final Plats shall not apply to Administrative Subdivisions.

CHAPTER 7: DESIGN STANDARDS

7-1 CONFORMITY WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE

A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the County, and to the Zoning Ordinance.

7-2 LAND REQUIREMENTS

1. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.

2. No plan shall be approved if the site is not suitable for the purposes of accessing the public road system.

3. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the Township and County as a whole may develop efficiently, harmoniously, and in an orderly manner.

7-3 LOTS

1. Area. The minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance in effect at the time of adoption of the final plat.

2. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Scott County Zoning Ordinance.

3. Side Lot Lines. Side lot lines shall be approximately at right angles to street lines or radial to curved street lines.

4. Width. Every lot must have the minimum width measured at the front yard setback and at the setback from the Ordinary High Water Level (OHWL) of an abutting lake or stream and extending to the location of the principal building.

5. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Zoning Ordinance.

6. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

7. Lot Remnants. All remnants of lots below minimum lot size left over after subdividing of a larger tract must be added to adjacent lots.

8. Political Boundaries. No singular plat shall extend over a political boundary or school district line without document notification to the affected units of government.

9. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on collector or arterial streets, County or State highways, or where topographic or other conditions render subdividing otherwise unreasonable. Said lots shall conform to Chapter 4 of the Zoning Ordinance for buffering and screening requirements for double frontage lots.

10. Irregular Shaped Lots. On single family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the County an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.

11. Required Yard Setback Infringements. All single family residential lots shall be designed in consideration of potentials for buildings accommodating three (3) car garages, porches and decks, etc. Said buildings and structures are to be compatible in size and character with the surrounding area.

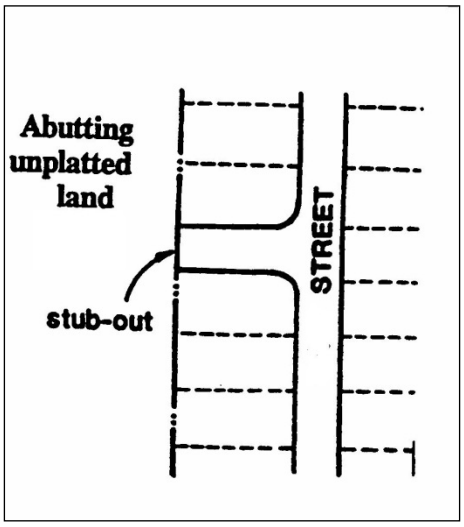
12. Outlots. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open spaces. An outlot shall be sized in a manner to accommodate its intended use. No building permits shall be issued for an outlot except for structures allowed under Chapter 16 of the Zoning Ordinance.

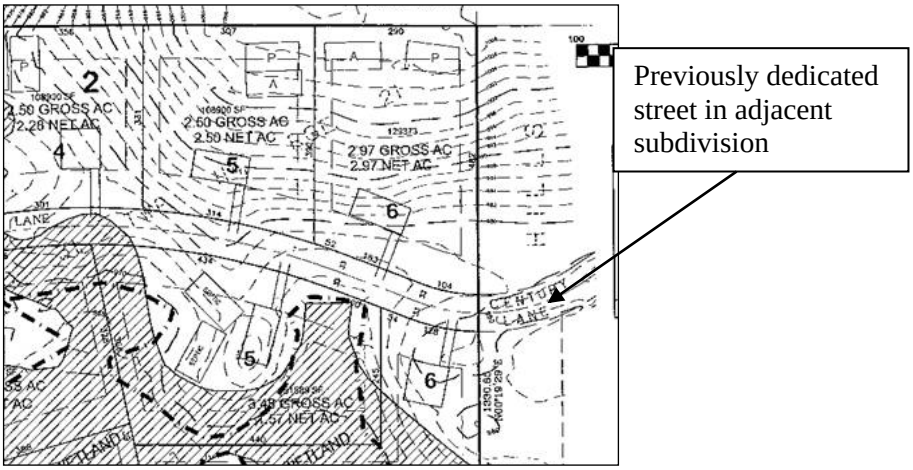
7-4 STREET INTERCONNECTIVITY

Scott County hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare by ensuring that streets will function in an interdependent manner, reduce traffic congestion on arterial streets, connect neighborhoods, reduce travel time, provide continuous and more direct routes for vehicles, pedestrians and bicyclists, and provide adequate access for emergency and service vehicles.

1. Streets, Continuous. Streets shall connect with streets previously dedicated in adjoining or adjacent subdivisions (see Figure 1), provide for ~~future~~ connections to those adjoining unsubdivided tracts where future collector streets are planned (see Figure 1), and shall be a reasonable projection or continuation of streets in the nearest subdivided tracts. Not all land-locked adjoining unsubdivided tracts require planned local street connections if reasonable projection or continuation of streets nearby can access the land-locked tract. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, topographic conditions, runoff of storm water, public convenience and safety, and in relation to the proposed uses of the area to be served.

Figure 1. Examples of Street Connections to Adjoining Parcels





2. Street Plans for Future Subdivisions. Where the plat application includes only

part of the tract owned or intended for development by the subdivider, a build out plan (ghost plat) illustrating a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

3. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into outlots or larger than normal building lots or parcels, such outlots, larger lots or parcels shall be so arranged as to permit the logical location and openings of future streets, allowing for interconnectivity as described above, and appropriate resubdivision, with provision for adequate street and utility connections for such resubdivision.

4. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. Financial guarantee will be required for removal or restoration as determined by the Township or County Engineer. For all temporary cul-de-sacs, a sign at the dead-end shall be installed (at the discretion of the Township) stating that the road will be extended in the future.

5. Permanent Cul-de-Sacs/Dead-End Streets.

   a. Dead-end streets (temporary or permanent) without cul-de-sac turn arounds shall be prohibited.

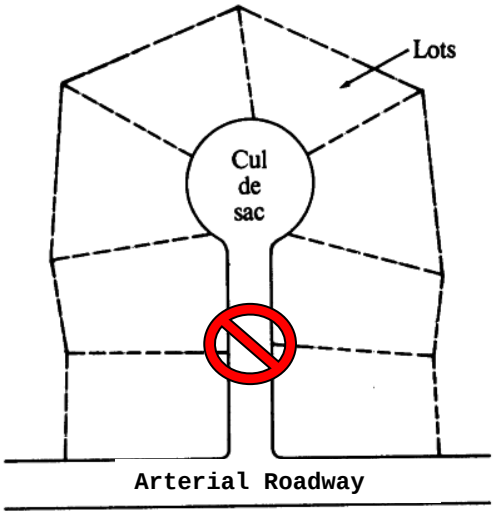
   b. Permanent cul-de-sacs shall be prohibited, except in cases where shoreland, shallow wetlands (Type 3, Circular 39), deep wetlands (Type 4, Circular 39), open water wetlands (Type 5, Circular 39), “exceptional” or “high” quality wetlands based on a MNRAM vegetative assessment, bluff, or steep slopes at a grade of 15% or greater preclude connection to adjoining properties, or where connection to an arterial roadway does not meet access spacing requirements, or in cases where plats proposed in the Rural Residential Service Area (DAP study area) provide continuous street connections to all adjacent developable parcels as described in this Section, the cul-de-sac is interior to the development, and serves no more than eight (8) lots.

   c. Permanent cul-de-sacs meeting the exception criteria in section b., above, connecting directly to another permanent cul-de-sac(s) shall be prohibited.

   d. Permanent cul-de-sacs meeting the exception criteria in section b., above,

connecting directly to Principal or Minor Arterials shall be prohibited. See Figure 2

Figure 2. Example of Prohibited Permanent Cul-de-Sac Connecting Directly to Arterial Roadway



7-5 STREET DESIGN AND RIGHT-OF-WAY STANDARDS

1. Street design shall comply with the standards of the Township or Scott County Highway Department. All local Township street designs shall be subject to the review and approval of the respective Township Engineer.

2. Street Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than three hundred (300) feet shall be avoided.

3. Street Grades. Except when, upon the recommendation of the County or Township Engineer, the topography warrants a greater maximum, the grades of all streets and alleys in any subdivision shall not be greater than ten (10) percent. In addition, there shall be a minimum grade on all streets of not less than five-tenths (0.5) percent unless approved by the County or Township Engineer because of existing conditions.

4. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of existing or planned

arterial or collector roadways, local street access must conform with the minimum access spacing requirements in Section 7-9. The design shall include proper circulation, setbacks from an intersection on the major rights-of-way, minimum distance required for approach connections to future grade separations, and for lot depths.

5. Half Streets. Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found by the County that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

6. Compliance with the Scott County Transportation Plan. All subdivisions incorporating road corridors which are identified in the County Transportation Plan shall comply with the minimum right-of-way, surface width, and design standards as outlined in said plan, and must be reviewed and approved by the County Engineer.

7. Street right-of-way widths for County roads shall comply with the performance standards of the Township or Scott County Highway Department reflective of the functional classification of the subject site.

7-6 EASEMENTS

1. Drainage and utility easements shall be required over any stormwater management facilities, natural drainageways, and wetlands. The size and location of the necessary easements shall be reviewed and approved by the Zoning Administration staff.

2. In subdivisions being served by communal or public sanitary sewer or water, drainage and utility easements shall be required over all utilities.

3. In all Zoning Districts, except Agricultural Districts, any subdivision shall provide easements for utilities and drainage at least ten (10) feet wide along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

7-7 STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

All subdivisions shall comply with storm water management standards of Chapter 6 of the Zoning Ordinance.

7-8 PUBLIC UTILITIES

Telephone, electric, cable, gas service lines and/or other public utilities are to be placed underground in accordance with Township and County standards.

7-9 ACCESS TO LOCAL, COLLECTOR AND ARTERIAL ROADWAYS

All subdivisions shall comply with minimum access spacing requirements. All driveways or street access locations proposed in a preliminary and final plat or administrative subdivision shall be in accordance with these requirements. Access spacing along roadway corridors with existing driveways and road intersections is a goal that will be achieved over time through a combination of methods as adjacent land develops, such as driveway removals, re-locations, or consolidations, or through future road dedications or road closures. This section shall be enforced and interpreted to meet this long-term goal.

1. The minimum access spacing requirements in this section are based on roadway classifications shown on the Future Functional Classification Map, as described and mapped in the Comprehensive Plan.

2. The minimum access spacing tables in this section are based on the planned land use categories described and mapped in the Comprehensive Plan.

3. Driveway access shall be provided to all legal, undeveloped properties with building eligibility along roadway corridors, and minimum spacing shall be met to the greatest extent possible.

4. Turn lanes (left, right, and/or by-pass) shall be required per Section 10-4 (5) ~~at all public road access locations on County or State roads~~.

5. When there is an opportunity for private or public access on more than one public roadway, access shall be taken on the lower functional roadway.

6. New access shall be either a.) located across from an existing or planned future designated access point that meets minimum access spacing or b.) measured from nearest planned future designated access location that meets minimum spacing. Access requested at any future designated access location will be deemed to be compliance with the minimum spacing requirements of this ordinance. If there is an adopted County corridor study, access shall conform to this study.

7. Access spacing may be modified by County Highway Engineer.

8. Environmental constraints, geometric constraints, or sight distance requirements may be considered when determining access spacing locations.

9. Access spacing within Interchange influence areas shall meet all stopping and intersection site distance requirements on Principal Arterials.

10. All existing commercial, industrial or institutional properties in the unincorporated area with more than one access point shall conform to these requirements when the property is platted. Access for an existing institutional campus (with more than one principal building) will be evaluated on a case-by-case basis.

Minimum Access Spacing
Urban Expansion, Commercial/Industrial and ~~Commercial~~ Business Reserve Areas

Type of Access	Type of Highway Function			
	Principal Arterial	Minor Arterial	Collector	Local
Private Residential (*Up to 2 shared driveways allowed*)	Not Permitted	Not Permitted	1/8 mile	based on other criteria
Commercial, Industrial, and Institutional (*one access allowed per property*)	Not Permitted	Not Permitted	1/4 Mile	based on other criteria
Local Street	Per Twp Transportation Map or corridor study	RI/RO at 1/8 mile; Full Access at 1/4 Mile	1/8 Mile	1/8 Mile
Collector Street	RI/RO at 1/2 Mile; Full Access at 1 mile	RI/RO at 1/8 mile; Full Access at 1/4 Mile	1/4 Mile	1/4 Mile
Minor Arterial	1 mile	1/2 to 1 mile	1/4 to 1 Mile	1/4 to 1 mile

*RI/RO allowed only on existing divided roadways
** Access ranges listed for Minor Arterials shall be determined by County Highway Engineer

11. In Urban Expansion, Commercial/Industrial and ~~Commercial~~ Business Reserve Areas, no more than two (2) lots may utilize a shared driveway and the shared driveway location must meet the access spacing requirement.

12. In Urban Expansion, Commercial/Industrial and ~~Commercial~~ Business Reserve Areas, existing access on Principal Arterials may be relocated provided sight distance is improved and opportunities for access consolidation do not exist. Future alternative access and removal of access onto Principal Arterials must be planned for and demonstrated.

Minimum Access Spacing
Rural Residential Service Area

Type of Access	Type of Highway Function			
	Principal Arterial	Minor Arterial	Collector	Local
Private Residential (*Up to 2 shared driveways allowed under certain situations*)	Not Permitted	Not Permitted	1/4 Mile	based on other criteria
Commercial, Industrial, Institutional and Private Driveway (*one access allowed per property*)	Not Permitted	Not Permitted	RI/RO at 1/8 mile; Full Access at 1/4 Mile	based on other criteria
Local Street	Per DAP Twp Transportation Map or corridor study	Full Access at 1/4 Mile	1/4 Mile	1/8 Mile
Collector Street	RI/RO at 1/2 Mile; Full Access at 1 mile	RI/RO at 1/8 mile; Full Access at 1/4 Mile	1/4 Mile	1/4 Mile
Minor Arterial	1 mile	1/2 to 1 mile	1/4 to 1 Mile	1/4 to 1 mile

*RI/RO allowed only on existing divided roadways
** Access ranges listed for Minor Arterials shall be determined by County Highway Engineer

13. In the Rural Residential Service Area along Minor Arterials, no more than two (2) lots may utilize a shared driveway and only if the shared driveway is located at a planned future public road intersection that meets access spacing requirements and public road right-of-way is secured through the platting process. Otherwise, any shared driveways serving new platted lots must take access from a local road.

14. In the Rural Residential Service Area along Collectors, no more than two (2) lots may utilize a shared driveway and only if the shared driveway meets access spacing requirements.

15. The *2009 Scott County Rural Residential Service Area Detailed Area Plan* (DAP) includes Township transportation maps showing planned Connector Roads and optimum locations for access intersections where turn lanes and/or bypass lanes are required.

Minimum Access Spacing
Agricultural and ~~Urban~~ Transition Reserve Areas

Type of Access	Type of Highway Function			
	Principal Arterial	Minor Arterial	Collector	Local
Private Residential (*Up to 3 shared driveways allowed*)	Not Permitted	¼ mile	1/8 mile	based on other criteria
Commercial, Industrial, Institutional and Private Driveway	Not Permitted	Not Permitted	RI/RO at 1/8 mile; Full Access at 1/4 Mile	based on other criteria
Local Street	Not Permitted unless per Twp Transportation Map or corridor study	RI/RO at 1/8 mile; Full Access at 1/4 Mile	1/8 Mile	1/8 Mile
Collector Street	RI/RO at 1/2 Mile; Full Access at 1 mile	RI/RO at 1/8 mile; Full Access at 1/4 Mile	1/4 Mile	1/4 Mile
Minor Arterial	1 mile	1/2 to 1 mile	1/4 to 1 Mile	1/4 to 1 mile

*RI/RO allowed only on existing divided roadways
** Access ranges listed for Minor Arterials shall be determined by County Highway Engineer

16. In Agricultural and ~~Urban~~ Transition Reserve Areas, no more than three (3) lots may utilize a shared driveway and the shared driveway location must meet the access spacing requirement.

CHAPTER 8: PUBLIC LAND DEDICATION

8-1 STATEMENT AND FINDING OF PUBLIC PURPOSE

1. The Scott County Board of Commissioners finds that it is necessary and in the public interest to provide future parks, trails and other public open spaces for the citizens of Scott County. The necessity for additional public open spaces is caused, in part, by increased development occurring within Scott County. The Scott County Board of Commissioners further finds that the financial burden of creating additional public open space and recreational opportunities should not be placed entirely upon the general property tax levy. Rather, new development should contribute financially to and assist in off-setting the cost associated with creating of additional public open spaces.

2. This Ordinance is adopted pursuant to and consistent with the authority granted by Minnesota Statutes, section 394.25, subdivision 7. The Scott County Board of Commissioners, consistent with the Comprehensive Plan, hereby finds that the requirements of this Ordinance are necessary, proportionate, fair and reasonable with respect to the need created by ongoing residential, commercial, industrial and institutional development.

8-2 DEDICATION OF LAND FOR PARK, TRAIL OR OPEN SPACE

1. In all new subdivisions where the local or County/regional public park, trail or open space land has been identified within a Township or County Park and Trail Plan and/or Comprehensive Plan, the developer shall be required to dedicate park, trail or open space of suitable quality containing at least seven (7) percent of the gross area within the boundaries of the subdivision. The dedicated percent of the gross area of the subdivision shall not include land platted as an outlot.

2. Land shall not be dedicated for parks, trails or open space until such lands have been approved by the Town Board and County for the purpose to which they are to be dedicated. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with dead trees, trash, junk, pollutants and unwanted structures is not acceptable.

3. The land shall be without restrictions or reservations and shall be transferred by deed to the Township and/or County. The developer and the Town Board and/or County shall agree upon the conditions of the dedicated land at the time of final

plat approval, and this agreement shall be part of the developer's agreement. All park, trail or open space land dedicated under this section shall be for public use and have access from a publicly maintained road.

4. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit at the discretion of the Town Board against the Township's local land or cash dedication requirements for park and recreation purposes, provided the Town Board finds it is in the public interest to do so.

5 The Township or County, upon consideration of the particular type of development, may require larger or lesser parcels of land to be conveyed to the Township or County if the Township or County determines that present or future residents would require greater or lesser land for park purposes.

8-3 PAYMENT IN LIEU OF DEDICATION OF PARK, TRAIL OR OPEN SPACE LAND

When land is not dedicated to the public for park, trail or open space in a new subdivision, as defined in this Ordinance, the developer shall be required to pay, in lieu of park, trail or open space dedication, a fee per lot or area for development of parks in the Township and the County. A fee per lot or area shall be set by resolution of the Town Board to address local park and trail system needs. The County shall establish a fee per lot or area by resolution of the County Board that will be collected in addition to the Township fee to assist in the acquisition and development of the County park and trail system.

CHAPTER 9: TREE PRESERVATION

9-1 PURPOSE

The County finds it is in the best interest of the public to protect, preserve, and enhance the natural environment and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the County has established the tree preservation regulations herein.

9-2 SCOPE OF APPLICATION

9-2-1 Scope of Application

A tree preservation plan shall be submitted to and approved by the County and implemented in accordance with all Planned Unit Developments and residential subdivision of five (5) or more lots of five (5) acres or less located within a Natural Area Corridor or mapped high quality woodland. The requirement for a tree preservation plan may be waived in these areas if the high quality wooded areas are protected in a conservation easement. If the property proposed for development is located outside of a Natural Area Corridor or mapped high quality wooded area, a tree preservation plan will not be required.

9-2-2 Submittal Requirements

1. The tree preservation plan shall be submitted as part of a resource management plan and an application for any grading permit as required by Chapter 6 of the Zoning Ordinance. All tree preservation plans must be certified by a forester or landscape architect retained by the applicant.

2. The tree preservation plan, along with associated subdivision or grading permit plans, shall be submitted in accordance with this Ordinance and Zoning Ordinance, whichever is applicable. All sites shall be staked, as depicted in the approved grading plan, and the required tree protection fencing shall be installed at the limits of the approved grading before grading is to commence. The County shall inspect the construction site prior to the beginning of the grading to ensure that protective fencing and other protective measures are in place. No encroachment, grading, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the critical root zone of the trees to be saved.

9-2-3 Plan Requirements

The tree preservation plan shall include the following information:

1. The name(s), telephone number(s), and address (es) of applicants, property owners, developers and/or builders.

2. Delineation of the buildings, structures, or impervious surfaces situated thereon or contemplated to be built thereon.

3. Delineation of all areas to be graded and limits of proposed land disturbance within the subdivision. The limits of approved site grading shall be delineated in the field. Significant trees shall be protected by fencing located at the perimeter of its critical root zone.

4. An inventory of size, species, and location of all existing significant trees, specimen trees, and significant woodlands located within seventy-five (75) feet of the areas to be graded and limits of land disturbance created by the subdivision. These significant trees and significant woodlands should be identified in both graphic and tabular form. If no significant trees exist within seventy-five (75) feet of the grading limits, a tree inventory will not be required.

5. Identification of all significant trees and significant woodlands proposed to be saved or removed within the tree inventory area. These significant trees and significant woodlands shall be identified in both graphic and tabular form.

6. Identification of all diseased, hazardous, or nuisance trees.

7. Measures to protect significant trees and significant woodlands.

8. Signature of the person(s) preparing the plan.

9-3 TREE PRESERVATION STANDARDS

9-3-1 Avoidance of Tree Disturbance

Subdivision design shall attempt to minimize damage to significant trees and significant woodlands. The area of land disturbance and trees to be removed shall be delineated in the tree preservation plan and are subject to County approval.

9-3-2 Protective Measures

Measures to protect significant trees and significant woodlands approved as part of the tree preservation plan shall be included in sales information and disseminated to potential buyers of wooded lots.

9-4 REVIEW PROCESS

The tree preservation plan shall be reviewed by the Zoning Administration staff to assess the best possible layout to preserve significant trees and significant woodlands and to enhance the efforts to minimize damage to significant trees and significant woodlands. The applicant shall meet with the Zoning Administration staff prior to submittal of the development application or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage and other physical features, in order that the fewest significant trees and significant woodlands are destroyed or damaged.

9-5 FINANCIAL GUARANTEE

1. An applicant shall provide a financial guarantee of five hundred dollars ($500.00) for each lot having significant trees located within seventy-five (75) feet of the grading or land disturbance limits following the preliminary approval of the tree preservation plan and prior to any construction and/or grading.

2. Following written request by the applicant for acceptance, the financial guarantee will be released upon certification by the landscape architect or forester that the tree preservation plan was followed, but in no event shall the financial guarantee be released earlier than one (1) year after the date of the project closure.

9-6 REMOVAL OF DISEASED TREES REQUIRED

Prior to any grading, all diseased and hazardous trees on the subject property shall be removed from the property.

9-7 COMPLIANCE WITH PLAN

The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures of the plan shall remain in place until all grading and construction activity is terminated or until a request is made to and approved by the County. The County shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation plan. The County shall determine whether compliance with the tree preservation plan has been met.

9-8 MITIGATION

1. No significant trees or significant woodlands shall be removed until a tree preservation plan is approved by the County and escrow received in accordance with the approved tree preservation plan. If a significant tree(s) or any significant woodland that was intended to be preserved is removed without permission of the County, or damaged so that it is in a state of decline within one (1) year from date of project closure as determined by a forester or landscape architect, the applicant shall mitigate tree loss by reforestation of appropriate areas within the development area in accordance with the following replacement schedule. For each significant tree removed that was intended to be preserved, two (2) deciduous trees with a minimum of two and one-half (2.5) inch caliper or two (2) coniferous trees with a height of not less than six (6) feet must be planted. For each specimen tree removed that was intended to be preserved, four (4) deciduous trees with a minimum of two and one-half (2.5) inch caliper or four (4) coniferous trees with a height of not less than six (6) feet must be planted. Where replacement of a significant woodland is required, the applicant shall be responsible for furnishing and installing two (2) deciduous trees with a minimum of two and one-half (2.5) inch caliper or two (2) coniferous trees with a height of not less than six (6) feet for every five hundred (500) square feet of significant woodland damaged or destroyed that was intended to be preserved, or any increment thereof.

2. For entirely wooded parcels, the applicant shall work with County staff to identify alternative locations for tree replacement.

3. Species of replacement trees shall be subject to County review and approval. Where ten (10) or more replacement trees are required, not more than seventy-five (75) percent of the replacement trees shall be of the same species of tree without the approval of the County. To the extent possible any removed trees shall be replaced with the same species. Replacement trees shall only include the following species:

Deciduous Trees:

Walnut	Linden (Basswood)
Birch	Elm
Ginkgo (male only)	Hackberry
Hickory	Honeylocust
Kentucky Coffee Tree	Maple
Oak	Ironwood

Coniferous Trees:

Arborvitae	Fir

Juniper (Cedar)	Redwood, Dawn
Spruce	Larch
Hemlock	Pine

4. Setback requirement – At full maturity and to the greatest extent possible the tree drip line shall not extend beyond the property lines.

5. The planting of trees for mitigation shall be in addition to any other landscape requirements of the County.

6. All new trees shall be guaranteed for a full growing season from the time planting has been completed. All trees shall be alive, of good quality and disease 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.

   Tree planting operations shall be conducted under favorable weather conditions during one of the following planning seasons as specified herein. For deciduous trees, spring planting should occur from April 1 to June; and fall planting from September 30 to November 15. For coniferous trees, spring planting should occur from April 1 to May 15; and fall planting from August 15 to October 15.

CHAPTER 10: IMPROVEMENTS

10-1 RESPONSIBILITY

All required improvements shall be installed and furnished by the developer, including all costs of inspection by the Township or County, at the sole expense of the developer and at no expense to the Township or County. If any improvement installed within the boundaries of the subdivision is determined to be of substantial benefit to lands beyond the boundaries of the subdivision, the Town Board or County may make provisions for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and, in such case, the developer will be required to pay only for such portion of the whole cost of said improvements that represents the benefit to the property within the subdivision.

10-2 STANDARDS AND REQUIREMENTS

Engineering requirements, standards for plans, the required improvements, and the standards for design and installation shall conform to such standards and specifications as adopted by the Township and County and any additional or more restrictive standards adopted by the Township and County in which the subdivision is located.

10-3 SUBDIVISION MONUMENTS

1. Official monuments, as designated and adopted by the County Surveyor's Office and approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the County Surveyor. The boundary line of the property to be included with the plat shall be fully dimensioned; all angles of the boundary excepting the closing angle shall be indicated; all monuments and surveyor's irons shall be indicated, each angle point of the boundary perimeter to be so monumented.

2. Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, State, County, or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

3. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the County Surveyor. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the Zoning Ordinance.

10-4 STREET IMPROVEMENTS

1. The full width of the right-of-way shall be graded in accordance with the provisions for construction approved as a condition of the plat.

2. All streets shall be improved in accordance with the Township and/or County standards and specifications for street construction, as applicable.

3. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the Township and/or County, as applicable. The portion of the right-of-way outside the area surfaced shall be seeded/mulched or ripprapped by the developer per the resource management plan.

4. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the County and/or Township.

5. Where a subdivision gains access from a County or State road, the subdivision shall provide the following improvements:

   a. Right turn lanes, left turn lanes, and/or bypass lanes shall be required on County Principal Arterial or Minor Arterial (A&B) future functional classification designated roadways for any plat creating four (4) or more lots or have the ability to create more than four (4) lots. The turn and/or by pass lanes shall be constructed on the County road intersection at time of development. ~~roadways providing access to a subdivision where the current or projected average daily trips (ADTs), traffic speeds, turning movements, and/or other safety considerations will be present, as directed by the County Engineer~~.

   b. In a Township with an adopted turn lane fee ordinance, right turn lanes, left turn lanes, and/or bypass lanes shall be required on County Collector or Local future functional classification designated roadways for any plat creating ten (10) or more lots or have the ability to create more than ten

(10) lots. The turn and/or by pass lanes shall be constructed within twelve (12) months of the issuance of the tenth building permit for new home construction in the development. This phased timing of turn lane installment can be modified by the County Engineer at any time if safety or traffic issues warrent.

c. In a Township with no adopted turn lane fee ordinance, right turn lanes, left turn lanes, and/or bypass lanes shall be required on County Collector or Local future functional classification designated roadways for any plat creating four (4) or more lots or have the ability to create more than four (4) lots. The turn and/or by pass lanes shall be constructed on the County road intersection at time of development.

d. Service roadways adjacent to arterial streets shall be required in order to provide access to industrial or commercially zoned subdivisions.

6. The developer shall be responsible for the costs of providing 911 address signs for all lots within the subdivision.

7. County approved street lighting shall be installed at developer's expense at all intersections with County and State roads. The Township and/or Homeowners Association shall be responsible for paying monthly utility expenses for the street lights.

8. All roads serving a subdivision (both on-site and off-site) shall be paved. In the absence of access from a paved road serving the subdivision, the developer shall pay for the construction of the off-site transportation infrastructure improvements necessitated by the subdivision or pay a transportation infrastructure charge (see below). The choice of street construction and/or transportation infrastructure charge shall be made by the Township in review of the subdivision in accordance with this Ordinance.

9. Transportation Infrastructure Charge. In accordance with the Scott County Comprehensive Plan as a condition of subdivision approval, the subdivider shall pay a charge for the construction of off-site transportation infrastructure improvements necessitated by development. The per unit charge shall be established by resolution of Township and County Boards. The subdivision may be given credit for regional/County transportation improvements constructed as a part of the subdivision development.

10-5 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS

1. Where public sewer and water facilities are not available for extension into the

proposed subdivision, individual sewer systems may be used in accordance with Scott County Subsurface Sewage Treatment System Ordinance No. 4, as may be amended. Private water wells shall conform to standards of the Minnesota Department of Health.

2. Community water and sewer may be allowed within a subdivision provided:

   a. All on-site community sewage treatment systems shall conform to the performance standards of Minnesota Pollution Control Agency's Standards for Sewage Treatment Systems Minnesota Rules Chapter 7080 and its appendices, and the Scott County's Subsurface Sewage Treatment System Ordinance No. 4.

   b. A community water and sewage treatment system shall include an operating, financing, 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.

   c. Subdivisions with communal sewage treatment systems shall reserve land area for a replacement system.

3. Community wells are required for all cluster residential development with 15 or more lots in the Rural Residential Service Area as defined in the *2009 Scott County Rural Residential Service Area Detailed Area Plan* (DAP).

10-6 STORM WATER IMPROVEMENT PLANNING CHARGE

1. In accordance with the Comprehensive Plan as a condition of the subdivision approval, subdividers shall pay a charge for storm water management and water quality planning. The per acre charge shall be established by resolution of the County Board. The charge shall be based upon the gross acreage of the subdivision less the right-of-way for State highways. The charge shall be paid in cash before the subdivision is approved by the County.

2. Property being replatted shall be exempt from the storm water improvement planning requirements of this Section if the charges were paid in conjunction with the initial platting of the property.

10-7 DEVELOPER'S AGREEMENT

Prior to installation of any required improvements and prior to approval of the final plat, the developer shall enter into a three-way agreement in writing with the Town Board and County

requiring the developer to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. Approval of the developer's agreement shall be by Town Board resolution and County Board resolution.

1. The developer's agreement shall include provisions for the supervision of the details of construction by the Township engineer and/Zoning Administrator or designated agent, and grant to the Township engineer and/or Zoning Administration staff, or agent, authority to coordinate the work to take place under said agreement by any subcontractors authorized to proceed, and with any other work being done or contracted by the Township and/or County in the vicinity.

2. The developer's agreement shall require the developer to provide a financial guarantee to ensure completion of all improvements as provided in Chapter 11.

3. The time for completion of the work, and the several parts thereof, shall be determined by the Town Board and County upon recommendation of the Township engineer and/or Zoning Administration staff after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.

4. One (1) copy of the three-way developer agreement which was signed by the applicant, Town Board, and the County shall be submitted to the Zoning Administration staff at time of final plat approval. The Zoning Administration staff shall ensure that the developer’s agreement and all attachments, exhibits, easements, and other associated documents are recorded in the County Recorder’s Office with the final plat. All recording costs shall be the responsibility of the developer.

10-8 CONSTRUCTION PLANS

Construction plans for the required improvements shall conform in all respects with the Zoning Ordinance, and all applicable ordinances and standards of the Township or County. Construction documents shall be prepared, at the expense of the developer, by a licensed professional who is registered in the State of Minnesota, and said plans shall contain his certification. Such plans, together with the quantities of construction items, shall be submitted to the Township engineer and/or Zoning Administration staff for his approval and for his estimate of the total cost of the required improvements. Upon approval, they shall become a part of the developer's agreement. Two (2) reproducible copies of the plans approved by the Township

engineer and/or Zoning Administration staff shall be furnished to the County.

10-9 INSPECTION

All required improvements on the site that are to be installed under the provisions of the Scott County Zoning Ordinance No. 3, as may be amended, and all applicable ordinances and the developer's agreement shall be inspected during the course of construction by the Township engineer and/or Zoning Administration staff, or his agent, at the expense of the developer.

10-10 COMPLETION OF IMPROVEMENTS

1. Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the Town Board and the County and shall maintain the same for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the Town Board and County a separate financial guarantee for temporary facilities, which guarantee shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

2. Governmental Units. Governmental units to which these guarantee and agreement provisions apply may file, in lieu of said agreement or financial guarantee, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.

3. Failure To Complete Improvement. For a subdivision for which no financial guarantee has been posted, if the improvements are not completed within the period specified by the Town Board and County in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a financial guarantee has been posted and required improvements have not been installed within the terms of such financial guarantee, the Town Board and County may declare the financial guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the financial guarantee is declared to be in default.

4. Acceptance Of Dedication Offers. The approval by the County Board of a subdivision plat shall be deemed to constitute or imply the acceptance by the Town Board and County of any dedications required pursuant to this Ordinance.

5. Release of Financial Guarantee. Certification of Satisfactory Completion. The Town Board shall not release a financial guarantee for those improvements required by the Township until the Township engineer and/or Zoning Administration staff has certified that all required improvements have been satisfactorily completed and until the developer's engineer or surveyor has

certified to the Township engineer and/or Zoning Administration staff, through submittal of detailed plans, or survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Town Board and County or Township engineer and/or Zoning Administration staff, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that the improvements are completed, are ready for acceptance by the Town Board and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town Board shall accept the improvements for dedication in accordance with established procedure.

10-11 MAINTENANCE OF IMPROVEMENTS

The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the Town Board in coordination with the developer's agreement.

10-12 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

1. The Town Board and/or County may defer or waive at the time of final plat approval, subject to appropriate conditions, the provision of any or all such improvements that, in its judgment, are not requisite to the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Whenever it is deemed necessary by the Town Board and/or County to defer the construction of any required improvement because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer shall pay his share of the costs of the future improvements to the Town Board prior to approval and signing of the final plat and developer's agreement. Or the developer may post a financial guarantee ensuring completion of said improvements upon demand of the Town Board and/or County.

CHAPTER 11: FINANCIAL GUARANTEE

The three-way developer's agreement provided in Chapter 10 requires the developer to provide a financial guarantee. The Town Board and County shall determine the appropriate type of financial guarantee which shall take one of the following forms.

11-1 ESCROW DEPOSIT

An escrow deposit in cash, certificate of deposit, time certificate or other approved form, shall be made to the Town Board treasurer in the sum equal to one hundred twenty five percent (125%) of the total cost as estimated by the Township engineer and/or Zoning Administration staff, including the cost of inspection, legal and administrative costs incurred by the Town Board and/or County, of all of the improvements to be furnished and installed by the developer pursuant to the developer's agreement and which have not been installed by the developer prior to the approval of the final plat.

1. The Town Board and/or County shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the Town Board and/or County for completion of work in a case of default of the developer under said agreement, and for any damages sustained by the Town Board and/or County on account of any breach thereof. Upon completion of the work and termination of any liability to the Town Board and/or County of the developer under said agreement, the balance remaining in deposit shall be refunded to the developer.

2. Immediately upon completion of said work, the Town Board and/or County shall submit to the developer an itemized bill in detail, setting forth the actual cost of inspection by the Town Board and/or County; said bill shall be paid prior to the acceptance of said work by the Town Board and/or County.

3. In the event that the cash escrow is reduced below one hundred twenty-five (125) percent of cost of work to be completed, the Township and/or County may stop work on the subdivision until the escrow deposit is replenished to the amount of one hundred twenty-five (125) percent of the cost of the remaining development work.

11-2 LETTER OF CREDIT

The developer may furnish the Town Board and/or County with a letter of credit from a financial institution providing authorization and guarantee to the Town Board and/or County that the Town Board and/or County may draw on the developer's account, amounts not to exceed the required financial guarantee. The required financial guarantee shall be the sum equal to one

hundred twenty five (125) percent of the total cost as estimated by the Township engineer and/or Zoning Administration staff, including the cost of inspection by the Town Board and/or County, of all of the improvements to be furnished and installed by the developer pursuant to the agreement and which have not been completed prior to the approval of the final plat. The letter of credit shall be irrevocable, and shall provide for forty-five (45) days notice to the Town Board and/or County and approval by the Town Board and/or County of any change, amendment, or termination. A letter of credit furnished to the County shall automatically renew on January 31, of each calendar year. The letter of credit shall be accepted as a financial guarantee only after review and approval, as to form and issuing bank, by the Township and County Attorney and the Town Board and/or County.

In the event that the letter of credit is reduced below one hundred twenty-five (125) percent of cost of work to be completed, the Township and/or County may stop work on the subdivision until the letter of credit is replenished to the amount of one hundred twenty-five (125) percent of the cost of the remaining development work.

CHAPTER 12: ENFORCEMENT

12-1 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 or imprisonment or both, as set forth in Minnesota Statutes plus, in either case, the cost of prosecution.

12-2 PENALTIES

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

12-3 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.

12-4 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.

CHAPTER 13: SEVERABILITY, SUPREMACY, AND EFFECTIVE DATE

13-1 SEVERABILITY

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

13-2 SUPREMACY

When any condition imposed by a provision of this Ordinance on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other County ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the County by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

CHAPTER 14: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after June 1, 2011, as amended

SIGNED:

By: _____
Chairman of County Board

ATTEST:

By: _____
County Administrator

By: _____
County Attorney