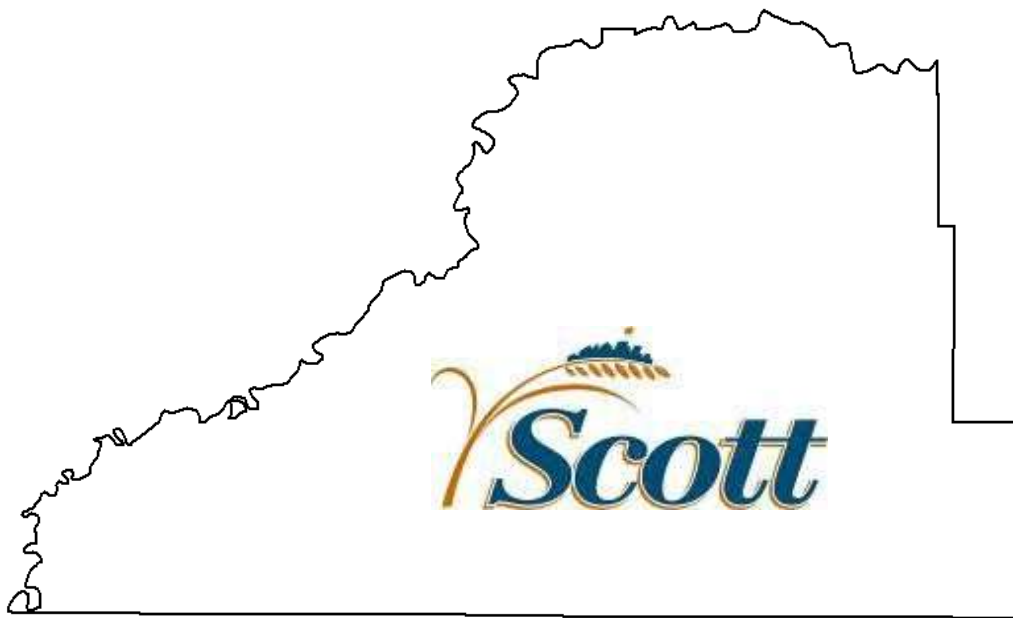


Scott County Zoning Ordinance Excerpts

Full Document available at, http://www.co.scott.mn.us/CountyGov/Ordinances/Documents/Adopted_Zoning_Ordinance_No._3_February_5_2013.pdf
(last visited January 3, 2014)

SCOTT COUNTY
ZONING ORDINANCE NO. 3



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

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

Amendments to the Zoning Ordinance will be posted on the County web site at
www.co.scott.mn.us

Amendments:

AMENDMENTS

Amended by Scott County Board January 22, 2002, Effective January 22, 2002

Amend Chapter 4: General Provisions, Section 4-2-9, Essential Services-Public Utility Buildings, Transmission Services, Buildings and Storage, lot and performance standards for essential services; and Chapter 11: Signs, Section 11-5, Advertising Signs/Billboards, limiting the location of advertising signs/billboards to the industrial district along principal arterial roadways

Amended by Scott County Board March 26, 2002, Effective March 26, 2002

Amend Chapter 30: UER, Urban Expansion Reserve District, Section 30-4, Fairs and Fairgrounds as a conditional use; and Chapter 70: SL, Shoreland District, Section 70-8-1 (3), lot standards for agricultural, tributary and transition rivers/streams to allow a minimum lot size of 20,000 square feet when public or community sewer systems are available

Amended by Scott County Board June 24, 2003, Effective June 24, 2003

Amend to add Chapter 14: Sexually Oriented Uses

Amended by Scott County Board August 26, 2003

Amend Chapter 3-Sections: 3-2, 3-3, & 3-4: Non-Conforming Lots, Buildings, Structures and uses

Amended by Scott County Board September 23, 2003, Effective September 23, 2003

Amend Chapter 31 Sections 31-7-3 & 31-7-5: UER-C, Urban Expansion Reserve Cluster District, District Performance Standards
Amend Chapter 41 Section 41-7-3: RR-1C, Rural Residential Reserve Cluster District, District Performance Standards

Amended by Scott County Board February 24, 2004, Effective February 24, 2004

Amend Chapter 4-3-11 (6): Fencing
Amend Chapters 9, 25-27, 30-32, 40, 41, & 42

Amended by Scott County Board March 23, 2004, Effective March 23, 2004

Amend Chapter 2 Section 13: Enforcement

Amended by Scott County Board May 25, 2004, Effective May 25, 2004

Amend Chapter 71 Section 4-2: Establishment of Official Zoning Map

Amended by Scott County Board June 28, 2005, Effective June 28, 2005

Amend Chapter 50 Section 50-4: Inclusion of Schools
Amend Chapters 4, 25, 26, 27, & 40: Inclusion of Paintball Ranges

Amended by Scott County Board May 23, 2006, Effective May 23, 2006

Amend Chapter 2 Sections 2-3, 2-5, 2-6, 2-7, 2-8, & 2-8-2: Language change
Amend Chapter 4 Section 4-3-6: Language change
Amend Chapters 25, 26, 27, 30, 31, 32, 40, 41, 42, 43, 50, & 60: Language change

Amended by Scott County Board July 11, 2006, Effective July 11, 2006

Amend Chapter 6 Sections 6A-3-1-2, 6A-3-2-2, 6B-2-1-6, & 6C-2-1 & 2:
Stormwater Management, Erosion Control and Wetlands

Amended by Scott County Board July 25, 2006, Effective July 25, 2006

Amend Chapter 2 Section 2-11: Fees
Amend Chapter 10 Section 10-2: Mining

Amended by Scott County Board September 5, 2006, Effective September 5, 2006

Amend Chapter 1 Section 1-3: Application

Amended by Scott County Board December 19, 2006, Effective December 19, 2006

Amend Chapter 4 Section 4-4: General Performance Standards

Amended by Scott County Board June 12, 2007, Effective June 12, 2007

Amend Chapter 2 Section 2-6-3 & Section 2-7-3 Administration

Amended by Scott County Board June 26, 2007, Effective June 26, 2007

Amend Chapter 3 Section 3-3 Non-Conforming Lots, Buildings, Structures and Uses

Amended by Scott County Board July 24, 2007, Effective July 24, 2007

Amend Chapter 80 Section 80-9-4 OSD, Open Space Design Development

Amended by Scott County Board October 23, 2007, Effective October 23, 2007

Amend Chapter 12 Energy Systems

Amended by Scott County Board November 6, 2007, Effective November 6, 2007

Amend Chapter 1 Title and Application

Amended by Scott County Board February 5, 2008, Effective February 5, 2008

Amend Chapter 1 Title and Application and Amend Chapter 50 C-1, General Commercial District.

Amended by Scott County Board May 27, 2008, Effective May 27, 2008

Amend Chapter 6, Stormwater Management, Erosion Control, and Wetlands
Amend Chapter 10, Mining

Amended by Scott County Board September 23, 2008, Effective September 23, 2008

Amend Chapter 6, Stormwater Management, Erosion Control, and Wetlands

Amended by Scott County Board October 7, 2008, Effective October 7, 2008

Amend Chapter 2, Administration, and Criteria for Granting Variances

Amended by Scott County Board December 2, 2008, Effective December 2, 2008

Amend Chapters 2, Administration and 6 Stormwater Management, Erosion Control, and Wetlands

Amended by Scott County Board October 12, 2010, Effective October 12, 2010

Amend Chapter 6, Stormwater Management, Erosion Control, and Wetlands

Amended by Scott County Board February 1, 2011, Effective February 1, 2011

Amend Chapter 1, Title and Application; Chapter 4 General Provisions; Chapter 9 Animals, Stables and Feedlots; Chapter 16 Land Use Descriptions and Standards; Chapter 20 General Zoning District; and Chapter 70 Shoreland District

Amended by Scott County Board May 3, 2011, Effective May 3, 2011

Amend Chapter 4, General Provisions, Lot and Yard Requirements

Amended by Scott County Board April 10, 2012, Effective April 10, 2012

Amend Chapter 2: Administration, 2-2 Board of Adjustment and 2-3 Variances; Chapter 5, Traffic, Parking, Access, and Loading; and Chapter 6, Stormwater Management, Erosion Control and Wetlands.

Amended by Scott County Board February 5, 2013, Effective February 5, 2013

Amend Chapter 9: Animals, Stables and Feedlots; and Chapter 12: Energy Systems.

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CHAPTER 1: TITLE AND APPLICATION

1-1 1 TITLE

This Ordinance, which is the January 20, 2010 comprehensive revision of the Scott County Zoning Ordinance No. 3, shall be known, cited and referred to as the Scott County Zoning Ordinance; and will be referred to herein as the Ordinance.

1-2 2 PURPOSE

This Ordinance is adopted for the purposes of:

1. Promoting the public health, safety, and general welfare.
2. Providing for orderly development of land for agricultural, residential, commercial, industrial, recreational and public land uses.
3. Protecting and preserving the natural environment of the County.
4. Protecting and preserving agricultural land uses.
5. Encouraging the protection of historic and aesthetic resources in the County.
6. Providing for the conservation of natural resources, water resources, and energy resources.
7. Minimizing congestion in the public rights-of-way.
8. Preventing overcrowding of land and undue concentration of structures by regulating land use, building construction, yard and setbacks.
9. Providing for the administration of this Ordinance.
10. Defining the powers and duties of the County staff, Board of Adjustment and Appeals, the Planning Advisory Commission and County Board in relation to this Ordinance.
11. Promoting cooperation between the County and Townships in the administration of this Ordinance.

1-3 APPLICATION

1. Jurisdiction. The provisions of this Ordinance shall apply to all lands within the unincorporated areas of Scott County, except as provided for in an orderly annexation agreement.
2. Relation to the County Comprehensive Plan. Pursuant to Minnesota Statutes 394.24, as may be amended and County policy, the County's adopted Comprehensive Plan, as amended, shall serve as the basis upon which land use and development shall be regulated. This Ordinance shall not conflict with and shall be based upon and implement the County's Comprehensive Plan.
3. Standard, Requirement. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the County or Township, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.
4. Conformity with this Ordinance.
 - a. No building or structure shall be erected, converted, enlarged, constructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Ordinance and without a building permit being issued.
 - b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. Building Compliance. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be issued that does not conform to the requirements of this Ordinance.
6. Monuments. For the purpose of this Ordinance, all international, federal, state, county, and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

7. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the County Board, Township Board, or the Planning Advisory Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development on the use. The County Board, Planning Advisory Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.
8. Separability. It is hereby declared to be the intention of the County that the several provisions of this Ordinance are separable in accordance with the following:
 - a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
9. Errors. When integrating amendments into this Ordinance, the Planning Manager and County Attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; substitute figures for written words and vice versa; substitute dates for the words “the effective date of this ordinance” and perform like actions to ensure a uniform code of ordinances without altering the meaning of the ordinances enacted.

1-4 AUTHORITY

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

1-5 5 COMPREHENSIVE REVISION

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

1-6 APPLICATION OF RULES

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

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tense includes the present tense.
3. The word "shall" is mandatory, and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. The provisions of this Ordinance shall be construed and interpreted to give full force and effect to its intent and purposes.
7. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, and welfare.
8. Except as this Ordinance specifically provides, no structure or land shall be used or occupied for any purpose or in any manner which is not in conformity with this Ordinance.
9. Meanings of words, unless otherwise defined herein, shall have the meaning given in other applicable Scott County Ordinances, State Statutes and Rules, and federal laws.

1-7 7 DEFINITIONS

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

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

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

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

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

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

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

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

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

Antenna Related:

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

2. Co-location - Placement of two or more wireless telecommunication devices on a single tower or other structure.
3. Commercial Wireless Telecommunication Services - Licensed commercial wireless telecommunication services including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
4. Mast - That portion of the outside tower system to which the antenna is attached, and the support of extension required to elevate the antenna to a height deemed necessary for adequate operation.
5. Private Land - Land that is not public land as defined in this Ordinance.
6. Public Land - Land owned or operated by a governmental entity.
7. Public Utility Uses - For the purposes of this Ordinance, commercial wireless telecommunication service facilities shall not be considered as public utility uses, and are defined separately.
8. Satellite Dish - An antenna device used for transmitting or receiving electromagnetic waves, but which incorporates a reflective surface that is solid, open mesh, or bar figured and is in the shape of a shallow dish, cone or horn.
9. Temporary Cell Site - A fully transportable tower, antenna, and accompanying equipment used on a temporary basis in the case of equipment failure, testing of the system, or interim period after permits are approved and before construction is completed.
10. Tower - Any ground or roof mounted pole, spire or structure, or combination thereof higher than thirty-five (35) feet, to which an antenna is attached and all supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.
11. Tower Accessory Building - A structure incidental to a tower or antenna site housing the necessary receiving, transmitting, or switching equipment.

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

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

1. Any permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or government-sponsored events including meetings, polling and other assemblies.
2. Gatherings or activities permitted or licensed by other State laws or regulations of the County of Scott, including the State Parks System and the Scott County and Three Rivers Regional Park System.
3. Activities by persons operating under other permit or license issued by other state agency or the County. Other permit or license for purposes of this subdivision, does not include a permit or license issued by the Minnesota Department of Health.
4. Family celebratory gathering taking place entirely upon the premises of a family member.

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

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

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

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

1. The slope rises at least twenty five (25) feet.
2. The grade of the slope from the toe of the bluff to the top of the bluff averages thirty (30) percent or greater.

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

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

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

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

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

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

Buildable Land - Non-hydric land having a size and configuration capable of supporting a principal and accessory buildings, with an approved domestic 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 Height - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

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

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

Building Setback - See "Setback".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County - Scott County, Minnesota.

County Board - Scott County Board of Commissioners.

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

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

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

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

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

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

District - See "Zoning District".

Dwelling - A building or portion thereof, designated exclusively for residential occupancy, including one family, two family, and multiple family dwellings, but not including hotels, motels, boarding houses, bed and breakfast, mobile homes or trailers.

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

Dwelling Unit - A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, or boarding or rooming houses.

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

Equine - Horses, ponies, mules or burros.

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

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

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

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

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

Farm - See "Agricultural Use" in Chapter 16.

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

Floodplain Related:

1. Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
2. Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
3. Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

4. Flood Fringe - That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Scott County.
5. Floodplain - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
6. Flood-Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
7. Floodway - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
8. Obstruction - Any dam, wall, wharf, dock, pier, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
9. Reach - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
10. Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
11. Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

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

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

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

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

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

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

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

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

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

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

1. Hydric soils as shown on the Scott County Geographic Information System (GIS); or
2. Land inside of the 100 year floodplain area, as determined by the County, using two (2) foot contour surveys of relevant areas; or
3. A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

Impervious - An artificial or natural surface that is highly resistant to infiltration by water. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

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

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

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

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

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

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

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

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

Lighting Related:

1. Cutoff - The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
2. Cutoff Angle - The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
3. Cutoff Type Luminaire - A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
4. Flashing Light - A light source which is not constant in intensity or color at all times while in use.
5. Foot Candle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
6. Light Source - A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
7. Lighting Standards - A pole made of a wood, metal or other material which is affixed to the ground and utilized for the sole purpose of mounting light fixtures.

8. Luminare - A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
9. Outdoor Lighting - Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.
10. Outdoor Light Fixture - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights, for:
 - a. Buildings and structures.
 - b. Recreational areas.
 - c. Parking lot lighting.
 - d. Landscaping lighting.
 - e. Signs.
 - f. Street lighting.
 - g. Product display area lighting.
 - h. Building overhangs and open canopies.
11. Security Lighting - Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
12. Shielding - A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.
13. Spillage - Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Moved Structure - See "Structure, Moved"

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

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

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

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

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

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

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

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

Ordinance - The Scott County Zoning Ordinance No. 3.

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

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

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

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

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

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

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

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

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

watering purposes. Tree and shrub canopy may be counted at a ratio of one half to one towards meeting the minimum vegetative cover requirements. Percent cover shall be determined by the Scott Soil and Water Conservation District using standard transect-line and aerial photo interpretation methodologies.

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

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

Planned Unit Development - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease; also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses; and whereby internal site design standard deviations from this Ordinance may be allowed to improve site design and operation. Where appropriate this development control advocates: (1) a mixture of land uses, (2) the clustering of residential land uses providing common and public open space, and (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road - See "Street."

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

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

Salvage Vehicle - Any unlicensed or inoperable motor vehicle.

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

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

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

Selective Cutting - The removal of single scattered trees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Steep Slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in the Scott County Soil Survey or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

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

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

1. Principal Arterial - Principal arterials consist primarily of Interstate highways and other freeways or expressways, most of them owned and operated by Mn/DOT, with some under the jurisdiction of counties or cities. The emphasis of principal arterials is on mobility rather than land access. Among other functions, they connect the region with other areas in the state and other states. Principal arterials also connect the metro centers to major commercial concentrations. Principal Arterials provide for the longest trips in the region and express bus service.
2. Minor Arterial - Highways which serve medium to short trips and provide access to the principal arterial. They interconnect concentrations of commercial or industrial land uses and connect cities and towns of the region to each other and to similar places outside the region. The emphasis is on mobility rather than land access.
3. Collector - Streets that carry traffic from local streets to major and minor arterials, including the principal entrance streets of a residential subdivision and streets used for circulation between neighborhoods.

4. Local - Streets which are used principally for access to abutting properties, especially residential properties.
5. Cul-De-Sac - A local street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.
6. Service or Frontage - A local street which is parallel and adjacent to a highway or an arterial street and which provides access to abutting properties and protection from through traffic.
7. Connector - A specific type of road identified in the *Rural Residential Service Area Detailed Area Plan* (DAP) that is intended to help distribute traffic through the DAP study area, providing accessibility to the adjoining collectors and minor arterials from local roads. Additionally, these roads will improve connectivity throughout each township for the purposes of better traffic flow, emergency vehicle access and flexibility during construction which requires detours.

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

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

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

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

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

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

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

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

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

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

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

SWCD - The Scott Soil and Water Conservation District.

Title Restriction - See Deed Restriction.

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

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

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

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

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

Use, Accessory - See "Accessory Use".

Use, Conditional - See "Conditional Use".

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

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

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

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

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

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

Wetland - Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

1. Have a predominance of hydric soils; and
2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. Under normal circumstances support a prevalence of such vegetation.

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

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

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

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

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

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

CHAPTER 2: ADMINISTRATION

2-1 1 PLANNING DEPARTMENT

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

1. Administer and enforce this Ordinance.
2. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, variances, conditional uses, and interim use permits.
3. Receive, file and forward all applications for appeals, amendments, variances, conditional uses, interim uses, or other matters to the designated official bodies.
4. Institute in the name of the County any appropriate actions or proceedings to prevent, to restrain, to correct, or to abate a violation or threatened violation.
5. Provide and maintain public information relative to matters arising out of this Ordinance.
6. Conduct inspections of land, buildings, or structures at reasonable times, determine compliance with and enforce the provisions of this Ordinance.
7. Issue permits as required by this Ordinance.

2-2 BOARD OF ADJUSTMENT

2-2-1 and Membership

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

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

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

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

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

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

2-2-2 ties and Responsibilities

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

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

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

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

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

2-3 VARIANCES

2-3-1 ia for Granting Variances

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

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

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

2. Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance have had no control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. That the special conditions or circumstances do not result from the actions of the applicant.
5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.
6. The variance requested is the minimum variance which would alleviate the practical difficulty.
7. The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.
8. Economic considerations alone do not constitute practical difficulties.

2-3-2 cedure

1. Pre-Application Meeting. Prior to submission of a variance application, the property owner may submit a concept plan and meet with the Planning Department and Township representatives to discuss the variance application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific variance request. A second pre-application meeting may be conducted if deemed warranted to assist the applicant in preparing their application.
2. The property owner applying for a variance shall submit to the Planning Department a completed variance application stating the practical difficulties that are present, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:
 - a. A written and/or graphic description of the variance request including an explanation of compliance with Section 2-3-1 of this

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

- b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance.
 - c. Applications must be accompanied by a fee established by the County Board.
3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.
 4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Scott County Board of Adjustment and the appropriate Township Board for consideration.
 5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Board of Adjustment for their consideration of the application at a public hearing.
 6. The Board of Adjustment shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. In unincorporated areas, the property owners of record within five hundred (500) feet of the subject property shall be notified in writing of the proposed variance. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed variance to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
 7. The applicant or his representative shall appear before the Board of Adjustment in order to answer questions concerning the proposed variance.
 8. The Board of Adjustment and Planning Department shall have the authority to request additional information from the applicant concerning a

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

9. The Board of Adjustment shall act upon the request within the time permitted by Minnesota Statutes 15.99, as amended.
10. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the Office of the County Recorder or Registrar of Titles. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the variance request.
11. All decisions by the Board of Adjustment in granting variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in Scott County on questions of law and fact.
12. A variance shall expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial.
13. If necessary, an extension of a variance shall be requested in writing and filed with the Planning Department at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for variance extension, Planning Department shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. The applicant shall be informed of the decision within the time permitted by State Law. No extension shall be for more than one (1) year, after which if the variance is not utilized the variance would become void. In no case shall more than one variance extension be approved for an individual variance request.

2-4 PLANNING ADVISORY COMMISSION

2-4-1 and Membership

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

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

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

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

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

2-4-2 ties and Responsibilities

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

2-5 5 ZONING AMENDMENTS

2-5-1 ia for Granting Zoning Amendments

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

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

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms to all performance standards contained in this Ordinance.
4. The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

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

2-5-2 cedure

1. An amendment to the text of the Ordinance or Zoning Maps may be initiated by the County Board of Commissioners, the Planning Advisory Commission, Town Boards or by application of a property owner. Any amendment not initiated by the Planning Advisory Commission shall be referred to the Planning Advisory Commission for review and may not be acted upon by the County Board until it has received the Planning Advisory Commission recommendation.
2. Pre-Application Meeting. Prior to submission of a zoning amendment application, the property owner may submit a concept plan and meet with the Planning Department and Township representatives to discuss the zoning amendment application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific zoning amendment request.
3. The property owner applying for a zoning amendment shall submit to the Planning Department a completed zoning amendment application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:
 - a. A written and/or graphic description of the zoning amendment request including an explanation of compliance with Section 2-5-1 of this Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.
 - b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance.
 - c. Applications must be accompanied by a fee established by the County Board.
4. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.
5. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Planning Advisory Commission and the appropriate Township Board for consideration.

6. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Advisory Commission for their consideration of the application at a public hearing.
7. A public hearing on the application shall be held by the Planning Advisory Commission after the completed request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper as designated by the County Board. Written notice of public hearings on the proposed amendment shall be sent at least ten (10) days before the hearing date. For amendments of general applications (zoning text amendments) throughout the County, notice shall be sent to the governing bodies of all Townships and municipalities located within the County. For amendments having a specific geographic application (zoning map amendments), notice shall be sent to the governing bodies of townships and municipalities located within two (2) miles of the property in question within the County. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed zoning amendment. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed zoning amendment to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
8. The applicant or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed amendment request.
9. The Planning Advisory Commission and Planning Department shall have the authority to request additional information from the applicant concerning a zoning amendment. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
10. Following the hearing, the Planning Advisory Commission shall make a report to the County Board recommending approval, modified approval or disapproval of the proposed amendment.

11. The County Board must take action on a completed application following referral by the Planning Advisory Commission within the time permitted by Minnesota Statutes 15.99, as amended. The person making the application shall be notified of the action taken.
12. No application of a property owner for an amendment to the text of this Ordinance or the Zoning Maps shall be considered by the Planning Advisory Commission within a one (1) year period following denial of such request, except the Planning Advisory Commission may permit a new application, if in the opinion of the Planning Advisory Commission, new evidence or a change of circumstances warrant it.
13. A certified copy of any zoning amendment shall be filed with the Office of the County Recorder or Registrar of Titles. The zoning amendment shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of amendments to the text, the Zoning Map of the Ordinance and of the zoning amendment request.

2-6 6 CONDITIONAL USE PERMITS

2-6-1 ia for Granting Conditional Use Permits

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

1. The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

2-6-2 Additional Conditions

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

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, location, and exterior materials of buildings.
3. Controlling the location and number of vehicle access points, and standards for access and egress for the site.
4. Increasing the number of required off-street parking spaces.
5. Limiting the number, size, location or lighting of signs.
6. Requiring stormwater management, fencing, screening, landscaping, erosion control or other facilities to protect adjacent or nearby property.
7. Designating sites for open space.
8. Limiting outside storage areas.

9. Limiting the number of vehicles and/or employees associated with a business operation.
10. A financial guarantee consistent with Section 2-12 of this Ordinance.
11. Periodic inspections of the premises and use as authorized by the County or Township.

2-6-3 cedure

1. Pre-Application Meeting. Prior to submission of a conditional use permit application, the property owner may submit a concept plan and meet with the Planning Department and Township representatives to discuss the conditional use permit application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific conditional use permit request. A second pre-application meeting may be conducted if deemed warranted to assist the applicants in preparing their application.
2. The property owner applying for a conditional use permit shall submit to the Planning Department a completed conditional use permit application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:
 - a. A written and/or graphic description of the conditional use permit request including an explanation of compliance with Section 2-6-1 of this Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.
 - b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance. The Planning Department may request the applicant to provide documentation that describes the conditional use's potential effects or impacts on public facilities, utilities and services including but not limited to:
 - (1) Streets.
 - (2) Law enforcement.
 - (3) Ambulance/emergency services.
 - (4) Fire protection.
 - (5) County/Township administration.
 - (6) Schools.
 - (7) Utilities.

- c. Applications must be accompanied by a fee established by the County Board.
3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.
4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Planning Advisory Commission and the appropriate Township Board for consideration.
5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Advisory Commission for their consideration of the application at a public hearing.
6. The Planning Advisory Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all townships and municipalities within two (2) miles of the property under consideration located within the County. In unincorporated areas of the County, property owners of record within one quarter (1/4) mile of the affected property, or the ten (10) properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional use permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed conditional use permit to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
7. The applicant or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed conditional use permit.
8. The Planning Advisory Commission and Planning Department shall have the authority to request additional information from the applicant concerning a conditional use permit. Said information is to be declared

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

9. The recommendations of the Planning Advisory Commission shall be forwarded to the County Board for consideration. The County Board shall take action on the application within the time permitted by Minnesota Statutes 15.99, as may be amended. If it grants the conditional use permit, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare.
10. An amended conditional use permit with major changes shall be administered in the manner required for a new conditional use permit. An amended conditional use permit with minor changes shall be administered in the manner of an Administrative Permit per Section 2-8. Amended conditional use permits include requests for changes in conditions. Major changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises greater than twenty-five (25) percent of the building footprint or site, and operational modifications resulting in increased external activities and traffic, and the like.
11. A conditional use permit shall expire one (1) year from the date of issuance if the permit is not utilized. Once expired, or, once the County is notified that the permit is no longer active or valid, the Planning Department shall, after a 30-day notice to the permit holder or current property owner, file a notice of termination in the Office of the County Recorder.
12. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of an order of denial of such request, except the Planning Advisory Commission may permit a new application, if in the opinion of the Planning Advisory Commission, new evidence or a change of circumstances warrant it.
13. In the event that any of the conditions set forth in a permit are violated, the County Board shall have the authority to revoke the conditional use permit.
14. A certified copy of any conditional use permit shall be filed with the Office of the County Recorder or Registrar of Titles. The conditional use permit shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the conditional use permit request.

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

2-7 7 INTERIM USE PERMITS

2-7-1 ia for Granting Interim Use Permits

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

1. The use will not create a burden on public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
3. If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
4. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.
5. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
6. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

2-7-2 Additional Conditions

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

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, location, or exterior materials of buildings.
3. Controlling the location and number of vehicle access points, and standards for access and egress for the site.
4. Increasing the number of required off-street parking spaces.
5. Limiting the number, size, location or lighting of signs.
6. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
7. The County Board may specify a time period or event that may terminate an interim use permit and will be a condition of the interim use permit.
8. The County Board may limit the new structural investment on the site to a specific dollar amount.
9. Limiting the number of vehicles and/or employees associated with the business operation.
10. A financial guarantee consistent with Section 2-12 of this Ordinance to assure compliance.
11. Periodic inspection of the premises and the use by individuals as authorized by the County or Township.

2-7-3 cedure

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

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

2. The property owner applying for an interim use permit shall submit to the Planning Department a completed interim use permit application, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:
 - a. A written and/or graphic description of the interim use permit request including an explanation of compliance with Section 2-7-1 of this Ordinance. The application shall include a site plan consistent with Section 2-10-3 of this Ordinance.
 - b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance. The Planning Department may request the applicant to provide documentation that describes the interim use's potential effects or impacts on public facilities, utilities, and services including but not limited to:
 - (1) Streets.
 - (2) Law enforcement.
 - (3) Ambulance/emergency services.
 - (4) Fire protection.
 - (5) County/Township administration.
 - (6) Schools.
 - (7) Utilities.
 - c. Applications must be accompanied by a fee established by the County Board.
3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.
4. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the Scott County Planning Advisory Commission and the appropriate Township Board for consideration.
5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township

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

6. The Planning Advisory Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all townships and municipalities within two (2) miles of the property under consideration located within the County. In unincorporated areas of the County, property owners of record within one-quarter (1/4) mile of the affected property, or the ten (10) properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing on the request for an interim use permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed interim use permit to property owners within the incorporated located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
7. The applicant or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed interim use permit.
8. The Planning Advisory Commission and Planning Department shall have the authority to request additional information from the applicant concerning an interim use permit. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
9. The recommendations of the Planning Advisory Commission shall be forwarded to the County Board for consideration. The County Board shall take action on the application within the time permitted by Minnesota Statutes 15.99, as amended. If it grants the interim use permit, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions may include requiring the applicant to provide a security, and setting a time limit for the use to exist or operate. Such conditions will be administratively reviewed annually within the period of the interim use permit and if violated, the County Board may order the revocation of the permit as provided for in Section 2-7-3.13.

10. The interim use permit shall be issued to a specific applicant for a specific use. If the operator/owner or the use changes, the interim use permit shall become void.
11. An amended interim use permit with major changes shall be administered in the manner required for a new interim use permit. An amended interim use permit with minor changes shall be administered in the manner of an Administrative Permit per Section 2-8. Amended interim use permits include requests for changes in conditions. Major changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises greater than twenty-five (25) percent of the building footprint or site, and operational modifications resulting in increased external activities and traffic, and the like.
12. An interim use permit shall expire one (1) year from the date of issuance if the permit is not utilized. Once expired due to inactivity within the first year or due to specifications listed in the condition of the interim use permit, or, once the County is notified that the permit is no longer active or valid, the Planning Department shall, after a 30-day notice to the permit holder or current property owner, file a notice of termination in the Office of the County Recorder.
13. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of an order of denial of the request, except the Planning Advisory Commission may permit a new application, if in the opinion of the Planning Advisory Commission, new evidence or a change of circumstances warrant it.
14. In the event that any of the conditions set forth in a permit are violated, the County Board shall have the authority to revoke the interim use permit.
15. A copy of any interim use permit shall be filed with the Office of the County Recorder or Registrar of Titles. The interim use permit shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the interim use permit request.
16. The Planning Department will review the interim use permit periodically. At the time designated for the interim use permit to expire, the Planning Department will conduct an inspection of the site. If the Planning Department finds that the use is still compatible, and is not creating an adverse affect on the surrounding area, the applicant may apply for an extension of the interim use. A reapplication for an interim use permit

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

2-8 ADMINISTRATIVE PERMITS/CERTIFICATE OF COMPLIANCE

2-8-1 se

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

2-8-2 Applications Qualifying for Administrative Review

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

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

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

1. The proposed use is not in conflict with the Comprehensive Plan of Scott County.
2. The proposed use is consistent with the purpose of this Ordinance and the purpose of the zoning district in which the applicant intends to locate the proposed use.
3. The proposed use satisfies the design standards and criteria of this Ordinance.
4. The proposed use has been described in sufficient detail to enable County review and has been given approval and is not subject to any additional reviews or permits by other jurisdictions or State Agencies and is not subject to a mandatory environmental review as defined in Minnesota Statutes Chapter 4410.

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

2-8-4 cedure

1. Pre-Application Meeting. Prior to submission of an administrative permit application, the property owner may meet with the Planning Department to discuss the administrative permit application. Through the pre-application, the Planning Department will summarize the informational requirements and issues related to the specific administrative permit request.
2. The property owner applying for an administrative permit shall submit to the Planning Department a completed administrative use permit application and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:
 - a. A written and/or graphic description of an administrative permit request including the applicable information outlined in Section 2-10-3 of this Ordinance.
 - b. Supporting information described by the Planning Department during the pre-application meeting and required in other sections of this Ordinance.
 - c. Applications must be accompanied by a fee established by the County Board.
3. The Planning Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Chapter 15.99 if the application is found to be incomplete.
4. The Planning Department shall make a determination on approval or denial of the administrative permit, within the time permitted by Minnesota Statutes 15.99, as amended.
5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit.

6. A written denial of the permit shall be issued to the applicant when a determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph has been made.
7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal to the Board of Adjustments as outlined in Section 2.3 of this Ordinance.

2-9 9 BUILDING PERMITS

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

1. Persons requesting a building permit shall submit all information required, and a completed application, and all applicable forms to the Building Inspection and Environmental Health Departments.
2. No site preparation work, including rough grading, driveway construction, footing construction, or other physical changes to the site shall occur prior to the issuance of the building permit, unless authorized and permitted in writing by the Planning Department or Building Official.

2-10 SITE PLAN REVIEW

2-10-1 ose

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

2-10-2 Exceptions

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

1. Agricultural uses.
2. Single family detached dwellings on parcels of ten (10) or more acres.
3. Residential accessory buildings.

2-10-3 Requirements

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

1. Concept Plan Information. Prior to the formulation of a site plan, applicants may present a concept plan to the Planning Department prior to filing of a formal application. The concept plan will include the following information.
 - a. Property location map illustrating the site location relative to adjoining properties and streets.
 - b. Scaled drawing (engineering scale only) illustrating property boundaries using Scott County's GIS data base.
 - c. General location of existing and proposed structures including signs.
 - d. Tentative access, circulation and street arrangements, both public and private.
 - e. Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.
 - f. General location of parking areas.
 - g. Proposed on-site sanitary sewer, water and storm drainage.
 - h. Natural features, drainageways, wetland, and woodlands.
 - i. Size and locations of all building pads.
2. Site Plan Information.
 - a. Site boundaries, buildings, structures and other improvements shall be identified on-site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:
 - (1) Scale of plan (engineering scale only).
 - (2) North point indication.

- (3) Existing boundaries with lot dimension and area.
 - (4) Existing site improvements.
 - (5) All encroachments.
 - (6) Easements of record.
 - (7) Legal description of the property.
 - (8) Ponds, lakes, springs, rivers, wetlands, 100 year flood elevations or other waterways bordering on or running through the subject property.
- b. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:
- (1) Name and address of developer/owner.
 - (2) Name and address of architect/designer.
 - (3) Date of plan preparation.
 - (4) Dates and description of all revisions.
 - (5) Name of project or development.
 - (6) All proposed improvements, including:
 - (a) Required and proposed setbacks.
 - (b) Location, setback and dimensions of all proposed buildings and structures.
 - (c) Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.
 - (d) Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
 - (e) Location, number, and dimensions of proposed loading spaces.

- (f) Location, width, and setbacks of all curb cuts and driveways.
 - (g) Vehicular circulation.
 - (h) Location and type of all proposed lighting, including details of all proposed fixtures.
 - (i) Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
 - (j) On-site well location.
 - (k) On-site individual sewer treatment system. Primary and alternative sites must be identified.
- c. Grading, drainage and erosion control plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:
- (1) Existing contours at two (2) foot intervals (may be prepared by a Minnesota licensed surveyor).
 - (2) Proposed grade elevations at two (2) foot maximum intervals.
 - (3) Drainage plan, including the configuration of drainage areas and calculations consistent with Chapter 6 of this Ordinance.
 - (4) Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 - (5) Spot elevations (may be prepared by a Minnesota licensed surveyor).
 - (6) Proposed driveway grades.
 - (7) Surface water ponding and treatment areas.
 - (8) Erosion control measures.

- (9) Where land disturbing activities are occurring as identified in Chapter 6 of this Ordinance, applicable information outlined in Section 6A-3 shall be required.
 - (10) Location, type, and square footage of impervious surface.
- d. Landscape, screening and buffering plan, utilizing a copy of the grading, drainage and erosion control plan as a base for the site in question, depicting the following:
- (1) Planting schedule (table) containing:
 - (a) Symbols.
 - (b) Quantities.
 - (c) Common names.
 - (d) Botanical names.
 - (e) Sizes of plant material.
 - (f) Root specification (bare root, balled and burlapped, potted, etc.).
 - (g) Special planting instructions.
 - (2) Location, type and size of all existing significant trees to be removed or preserved in accordance with the Scott County Subdivision Ordinance, as amended, if applicable.
 - (3) Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 - (4) Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.
 - (5) Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
 - (6) Coverage plan for underground irrigation system, if any.
 - (7) Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.
- e. Other plans and information as required by the Planning Department including, but not limited to:

- (1) Architectural elevations of all principal and accessory buildings.
- (2) “Typical” floor plan and “typical” room plan drawn to scale with a summary of square footage for each use or activity.
- (3) Fire protection plan.
- (4) Lighting plan and photometric plan.
- (5) Nuisance mitigation plan (related to noise, odors, glare, dust, or similar nuisance issues).
- (6) The type, color, and materials used in all external surfaces.

2-11 1 FEES

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

2-12 2 FINANCIAL GUARANTEE

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

2. The security shall be in the amount equal to the one hundred twenty-five (125) percent of the County's estimated cost of labor and materials for the proposed improvements or development.
3. The County shall hold the security until completion of the proposed improvements or development and a certificate of compliance with the application conditions and County ordinance provisions has been issued by the Planning Department.
4. Failure to comply with the conditions of the application approval and County ordinances, provisions shall result in forfeiture of the security in whole or in part depending upon the degree of non-compliance and at the discretion of the County Community Development Director.
5. Whenever a performance guarantee is imposed by the County, the applicant shall be required to enter into a performance agreement with the County. This agreement is to provide authorization to the County to utilize the posted security for the enforcement of County ordinances and conditions of approval to mandate the completion of stipulated work should the applicant fail to meet the terms and conditions of the performance agreement. Said agreement shall hold harmless the County for completion of the work and address other matters as may be determined by the County Attorney.

2-13 3 ENFORCEMENT

1. **Violations.** The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes, plus in either case, the cost of prosecution.
2. **Penalties.** Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.
3. **Application to County Personnel.** The failure of any officer or employee of the county to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
4. The Director of Scott Community Development Division or his/her selected designee, shall have the authority to issue citations to a person or entity

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

5. Any violation of this Ordinance for which a citation has been issued shall constitute sufficient grounds for denial of any application required by this Ordinance or revocation of a permit that is related to the violation.
6. Injunction. In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the county in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.
7. Nothing in this Section shall prevent the County from taking such other actions as are permitted under law, and the penalties provided here shall be cumulative.

Chapter Omitted

CHAPTER 4: GENERAL PROVISIONS

4-1 1 PURPOSE

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

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

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

4-2 2 LOT AND YARD REQUIREMENTS

4-2-1 se

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

4-2-2 Area Requirements

1. The minimum lot area shall conform to the standards of the applicable zoning district. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if an existing yard or other open space is less than the minimum required, it shall not be further reduced.
2. For parcels located in the Agricultural Preservation, Rural Residential Reserve, Urban Expansion Reserve, Urban Transition Reserve, and Urban Business Reserve Districts, that portion of the property that lies within the road right-of-way will be included when determining compliance with the minimum lot area requirements.

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

4-2-3 vision of Lots

1. No lot or parcel of land under the jurisdiction of this Ordinance shall be split or subdivided so as to create an illegal nonconforming lot. Any proposal to subdivide a lot or parcel of land by any means after the effective date of this Ordinance shall be submitted to the Planning Department prior to filing in the Office of the County Recorder or Registrar of Titles. The Planning Department shall examine the proposed lot split to determine whether it complies with this Ordinance.
2. If it is determined that the instrument is not in compliance with this Ordinance, the Planning Department shall notify the applicant of such non-conformity and the proposed lot split shall not be recorded in the Office of the County Recorder or Register of Titles. If possible, through the provisions of this Ordinance, the applicant may correct the non-conformities of a proposed lot split or splits.
3. Two (2) or more parcels required to be considered one parcel for zoning purposes by the Planning Department shall be consolidated or combined to form a single parcel. The combination or consolidation shall be accomplished through the filing of the appropriate deed or contract for deed transferring interest in all of the parcels to be merged, i.e., a deed by the property owner(s) [the grantor(s)] deeding to herself or himself [the grantee(s)] setting forth the legal descriptions of all said parcels required to be consolidated. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County Taxation Department. A written request by the property owners to combine the parcels under one (1) parcel identification number may be required by the County Taxation Department at the time the consolidating deed is to be recorded. A note shall be placed on the deed as follows: "this is one parcel for zoning purposes."

4-2-4 Lot Frontage

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

4-2-5 Platted and Unplatted Property

1. All principal buildings hereafter erected shall be so placed and described so that they will not obstruct street and utility extensions or other features or proper subdivision and land planning in accordance with the adopted Township Transportation maps.
2. On corner lots and through lots, both road lines shall be front lot lines for applying the yard setback regulations of this Ordinance except in the case of a rear yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any collector or arterial designated as such by the Scott County Transportation Plan.
3. Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of the permitted uses specified in Chapter 16.

4-2-6 Yards and Setbacks

1. Setbacks. All building and structures shall comply with the setbacks within the applicable district except as may be required within other sections of this Ordinance. All setbacks shall be measured from the appropriate lot line, right-of-way or centerline of the road/street as determined by the County.
2. Triangular Lots. In the case of triangular lots, where the rear lot line is a single vertex, the rear yard setback points of reference shall be determined by measuring the length of the setback distance from the vertex along the side lot lines. The rear setback line shall be determined by traversing the lot and connecting these points of reference.
3. District Setback Exceptions. Where adjacent principal structures within the same block have front yard or setbacks from the ordinary high water level of adjoining lake setbacks less than the required minimum, the front yard or ordinary high water level (OHWL) minimum setback may be the average of the adjacent principal structures. If there is one adjacent principal structure, the front yard or OHWL minimum setback may be the average of the required setback and the setback of the adjacent principal structure.

4. Permitted Encroachments. The following shall be considered as permitted encroachments on setback requirements as provided in this Ordinance, however, no building may be built on or extended over easements of record.
 - a. In any yard: posts, off-street parking places, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, bay windows less than two feet in depth, awnings, open terraces, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, exposed ramps (wheelchair), fences, and all other similar devices incidental and appurtenant to the principal structure.
 - b. Decks are exempted from setback requirements if the deck is no higher than eighteen (18) inches above the ground level, except that the deck cannot be located within five feet of a property line.
5. Sight Triangle Setback. On corner lots in all districts, no structure or plantings shall be placed or constructed within the sight visibility triangle setback in a manner that may interfere with traffic or pedestrian visibility along a public right-of-way between the heights of three (3) feet and either ten (10) feet or the road centerline grade. The sight triangle is defined as follows: beginning at the intersection of the projected property lines of two (2) intersecting roads, thence thirty (30) feet along one property line, thence diagonally to a point of thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning.
6. Buffer Yards.
 - a. Double frontage lots shall have at least twenty (20) feet, designated as an additional drainage and utility easement, in order to allow space for buffering/screen planting along the back lot line for those lots which abut major collector or arterial roads.
 - b. Lots which border major collector or arterial roads on a side yard shall have at least twenty (20) feet, designated as an additional drainage and utility easement in order to allow space for buffering and screening plantings along the lot line bordering such roads.
7. Local Roads. All Township roads shall be classified as local roads in regards to the application of required setbacks.
8. Lot Coverage. Lot coverage shall not exceed the maximums listed in the zoning district performance standards within each respective zoning district, except for institutional uses that shall not exceed seventy-five (75) percent of lot area in all zoning districts.

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

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

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

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

1. A lot of record that is bisected by a public road, railroad, or similar public right-of-way is considered one (1) parcel for zoning purposes.
2. A single family home may be constructed on either portion of the bisected property upon demonstrating two (2) individual sewage treatment sites are available and the proposed home will meet all setback and access separation requirements without a variance. Construction of the home shall not result in the creation of additional residential density. Deed restriction(s) shall be recorded on the appropriate parcels, if necessary.
3. At such time as the lot of record is proposed for subdivision, the entire property shall be platted according to the requirements of the Scott County Subdivision Ordinance.

4-3 3 BUILDING PERFORMANCE STANDARDS

4-3-1 se

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

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

disposal; grading, drainage and erosion control; fencing; screening; signage; and type and location of exterior storage.

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

4-3-2 Dwelling Units Prohibited

No garage, camper, tent, fish house, automobile, travel trailer, motor home or recreational vehicle shall at any time be occupied as a dwelling unit.

4-3-3 Size

1. Residential Structures. For all dwelling units in all residences, except mobile homes and accessory dwelling units, the finished floor area shall not be less than nine hundred sixty (960) square feet.
2. Commercial and Industrial Structures. Commercial and industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 2-6 of this Ordinance.

4-3-4 Moved In or Manufactured Dwellings

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

1. Every dwelling to be moved into the unincorporated area of Scott County shall be inspected and approved by the Building Official prior to said structure being moved in.
2. Every dwelling moved into this jurisdiction shall meet the requirements of the Minnesota State Building Code.
3. Every dwelling moved into this jurisdiction shall have a full load bearing perimeter foundation with a minimum clear span floor loading capability to a center wall or beam which complies with the requirements of the Minnesota State Building Code.
4. Measurements. Dwelling structures shall not be less than thirty (30) feet in length and not less than twenty-two (22) feet in width over that entire minimum length. Width measurements shall not take into account overhangs and other projections beyond the principal walls. Dwellings

shall also meet the minimum floor area requirements as set out in this Ordinance.

5. Roof. Dwellings shall have an earth covered, composition, metal, shingled or tiled roof.
6. Receive a Building Permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used, and the delineation of any anticipated future deck, porch and/or garage. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so dissimilar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood
7. Financial Guarantee. Every moved in dwelling shall be required to post a security acceptable to the County as a condition to the building permit.

4-3-5 Building Type and Construction

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

1. General Provisions.
 - a. Except in association with farming activities, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as CORTEN steel shall be permitted in any zoning district.
 - b. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties.
 - c. Exposed building foundations not exceeding 2 feet in height above grade and other such portions of a building's façade need not comply with the requirements for the primary façade treatment or materials.

2. Residential Building Requirements

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

3. Commercial/Industrial/Institutional Building Requirements

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

- b. The following are permitted accent materials that may be used for up to 25% of any exterior wall area.
 - (1) Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
 - (2) Metal.
 - (3) Vinyl, steel, or aluminum siding.
 - (4) Field painted materials (i.e. decorative band on precast concrete).

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

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

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

- d. Other design provisions:

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

- e. Exemptions: Whenever an existing industrial or commercial

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

4-3-6 Building and Structure Heights

1. All buildings and structures shall comply with the maximum building height of the applicable zoning districts.
2. Exceptions. The building height limits established herein for zoning districts shall not apply to the following:
 - a. Belfries.
 - b. Chimneys or flues.
 - c. Church spires.
 - d. Cupolas and domes which do not contain useable space.
 - e. Elevator penthouses.
 - f. Flag poles mounted on a building.
 - g. Parapet walls extending not more than three (3) feet above the limiting height of the building.
 - h. Agriculture silos.
 - i. Necessary mechanical and electrical appurtenances.
 - j. Poles, towers and other structures for essential services.
 - k. Personal wireless service and commercial broadcasting antennas not exceeding twenty (20) feet above the roof of the antenna support structure.
 - l. Antenna towers.
3. Roof mounted mechanical equipment must meet the following standards:
 - a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten (10) feet.
 - b. All rooftop and ground mounted mechanical equipment shall be buffered so as to mitigate noise in compliance with this Ordinance
 - c. All rooftop and ground mounted equipment shall be painted or color clad to match the building or screened from view with secured fencing or parapets in a harmonious color.
4. Aviation Obstructions. In the case of any proposal to construct or alter a structure which will exceed a height of two hundred (200) feet above ground level of the site, or any proposal to construct or alter a structure to a height greater than an imaginary surface extending upward and outward

at a slope of one hundred to one (100:1) from the nearest point of the runway of a public airport, the applicant shall notify the Commissioner of the Minnesota Department of Transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the County. The applicant shall provide the Planning Department with any comments received from the Commissioner of the Minnesota Department of Transportation as part of the required applicable permit request. This local reporting is in addition to any federal permitting and review processing which may be simultaneously required.

4-3-7 Lowest Floor Elevations

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

4-3-8 Sewage Disposal

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

4-3-9 Accessory Buildings and Structures

1. Rural Residential, Residential Suburban, Urban Expansion, Urban Transition, Urban Business Reserve, and Agricultural Districts.
 - a. No accessory building shall exceed the height in the respective zoning district.
 - b. One (1) accessory building, not to exceed one hundred twenty (120) square feet of floor area, shall be allowed and is not required to meet setbacks and shall be permitted in addition to the allowed square footage of accessory building size.
 - c. No accessory building shall be constructed on a lot before a building permit has been issued for the principal building to which it is accessory.

2. Single Family Accessory Buildings.
 - a. Detached Accessory Buildings. See individual zoning district.
 - b. Attached Garages. The maximum floor area for attached garages shall be the greater of eight hundred (800) square feet or a footprint equal to the footprint of the principal building.
 - c. The roofline of attached garages shall not extend above the roofline of the principal structure on the lot.
3. Commercial and Industrial Districts. No accessory building shall exceed the height of the principal building except by conditional use permit.

4-3-10 Fencing

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

1. All fences (except agricultural fences) shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees in writing and submitted to the Planning Department that such fence may be erected on the division line of the respective properties.
2. Fences shall not exceed six (6) feet in height from finished grade in Rural Residential, Residential Suburban, and Urban Reserve Zoning Districts or eight and one-half (8.5) feet in height from finished grade in Commercial and Industrial Districts. Agricultural fences that are seventy-five (75) percent or more open are exempt from the district fence height standards.
3. Taller Fences. Fences taller than the district fence height standards may be allowed by administrative permit subject to the following conditions:
 - a. Taller fences shall be seventy-five (75) percent open or more to allow for the passage of air and light, and shall be setback a minimum of ten (10) feet from a property line.
 - b. Taller fences that are less than seventy-five (75) percent open shall comply with the required principal building setbacks of the zoning district.
4. Fences which are greater than twenty (20) percent opaque shall not exceed three and one-half (3.5) feet in height within fifteen (15) feet of a street right-of-way.

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

4-4 4 SCREENING AND LANDSCAPING STANDARDS

4-4-1 Screening

1. Where any commercial or industrial use (i.e., structure, parking or storage) abuts Rural Residential, Residential Suburban, Urban Transition or Urban Expansion Zoning Districts, such business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Planning Department). All the screening specifically required by this Ordinance shall be subject to the following standards:
 1. Greenbelt Planting Strip
 - a. A greenbelt planting strip shall consist of evergreens deciduous trees, shrubs and and plants of a sufficient density to compose an eighty (80) percent opaque visual screen and reasonable buffer viewed at a ninety (90) degree angle from the greenbelt planting strip. This planting strip shall be designed to provide visual screening to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Planning Department. An earth berm may be used, but shall not be used to achieve more than eight (8) feet of the required screen. The planting plan and type of plantings shall require the approval of the Planning Department.
 - b. A fence may also be installed, but not in lieu of the greenbelt. The fence shall be constructed of masonry, brick, or wood, except as otherwise provided herein. Such fence shall provide an eighty (80) percent opaque screening effect and shall be a minimum of six (6) feet in height but shall not exceed eight (8) feet in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Planning Department. The design and materials used in constructing a required screening fence shall be subject to the approval of the Planning Department. Fences in excess of eight (8) feet in height shall require an administrative permit subject to the approval of the Planning Department.

2. Screening Standards

- a. Deciduous trees shall be planted not more than forty (40) feet apart. Evergreen trees intended for screening shall be planted not more than twelve (12) feet apart or depending on the plant spread.
- b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Planning Department.
- c. Required screening does not count towards minimum landscape requirements identified in section 4-4-2.

4-4-2 Landscaping

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

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

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

1. General Landscape Standards

- a. Said landscape plan shall include a narrative describing the overarching landscape architecture elements and how the design and placement of plant types and materials will complement the form and function of the developed site.
- b. Said landscape plan shall be developed with an emphasis upon the entry focal areas, boundary or perimeter of the proposed site at points adjoining a public right-of-way, parking lot, other property and the immediate perimeter of the structure.
- c. The number of plantings shall be the greater of a.) 1 landscape unit per 40 feet of the site perimeter or b.) 1 landscape unit per 500 sq. ft. of gross building area.

- d. The target goal for site landscaping is that all existing and new tree canopies at full maturity cover at least five (5) to ten (10) percent of the entire developed site.
- e. All landscaping incorporated in said plan shall conform to the following minimum sizes, standards and criteria:

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

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

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

- f. For all landscape plans, at least 10% of the evergreen and/or deciduous trees must exceed the minimum size (to 8 feet high and 3½ inches caliper balled and burlapped respectively) to establish some diversity in size or enrichment of design intent.
 - g. The complement of trees fulfilling the minimum requirements shall provide a variety of vertical and horizontal plantings and landscape features to maintain a mix of plant types.
2. Design and Placement: The landscape plan shall articulate, shape and form the landscape design of the exterior space using landscape elements of plant materials, walks, terraces, fences, creative grading, sculpture, lighting, etc to create hard and soft elements into a composition form.
- a. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into vegetation (lawns, ground covers, or shrubs).

- b. At least 50% of the total building foundation perimeter shall be sodded or landscaped with approved ground cover, shrubbery, and trees.
 - c. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Planning Department.
 - d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted three (3) feet on center or closer.
 - e. Turf slopes in excess of three to one (3:1) are prohibited, except as part of a rain garden design.
 - f. Trees and shrubs shall not be planted in the right of way.
 - g. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.
3. Landscaping of Parking Areas (Landscaping provided in parking areas may be used to meet overall landscaping requirements):
- a. At least 3% of the total land area within the required parking and driveway areas of a site shall be landscaped for lots with less than 30 spaces. At least 5% of the land area shall be landscaped for sites having between 30-50 parking spaces, and at least 8% of the land area shall be landscaped for sites having over 50 parking spaces
 - b. A landscape amenity (island, bump-out, etc.) shall be installed in any parking area having more than 10 contiguous linear spaces.
 - c. A minimum landscape buffer area twenty (20) feet in width shall separate any parking, driveway or structure from a lot line in common with any residential district.
4. Landscape Guarantee: All new plants shall be guaranteed for a full growing season from the time planting has been completed. All plants shall be alive, of good quality, and diseases free at the end of the warranty period or be replaced. Any replacements shall be warranted for a full growing season from the time of planting. The growing season is herein defined as the period from June 1 to September 30.

5. Time of Planting: Planting operations shall be conducted under favorable weather conditions during one of the following planting seasons as specified herein. For deciduous plant materials, spring planting should occur from April 1 to June 1; and fall planting from September 30 – November 15. For coniferous plant materials, spring planting should occur from April 1 to May 15; and fall planting from August 15 to October 15.
5. Landscape plans may be accompanied by a minimum \$5,000 financial guarantee consistent with Section 2-12 of this Ordinance, prior to issuance of a building permit.
6. Any proposed modifications to these landscape requirements must consider a site specific design solution if site conditions are deemed appropriate and other functional requirements (screening, etc.) are met.

4-5 EXTERIOR LIGHTING STANDARDS

1. Purpose. It is the purpose of this Ordinance Section to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing night time safety, utility, security and productivity.
2. Exemptions. The provisions of this Section shall not apply to the following:
 - a. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - b. This Section does not prohibit the use of temporary outdoor lighting used for celebrations and promotions.
 - c. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.
 - d. Emergency lighting by police, fire, and rescue authorities.
 - e. Lighting required for the operation of outdoor ball fields or sports facilities associated with public parks.
3. Non-Conforming Uses.
 - a. All outdoor lighting fixtures existing and legally installed prior to the effective date of this Ordinance are exempt from regulations of this Section but shall comply with the previous ordinance requirements for glare as follows: In all districts, any lighting used to illuminate

an off-street parking areas, signs, or other structures, shall be installed so as to deflect light away from any adjoining Rural Residential, Residential Suburban, or Urban Expansion Zoning Districts or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. Welding associated with farming activities or agricultural uses shall be exempt from the glare standard of this provision. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Lighting standards shall not exceed twenty five (25) feet or the height of the principal building on a lot without a conditional use permit.

- b. Whenever a light fixture that existed on the effective date of this Ordinance is replaced by a new outdoor light fixture, the provisions of this Section shall be complied with.
4. Intensity. No light source or combination thereof which cast light on a public road shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four-tenths (0.4) foot candles as measured at the property.
5. Method of Measuring Light Intensity. The foot candle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.
6. Performance Standards.
 - a. Agricultural, Rural Residential, Residential Suburban, Urban Transition and Urban Expansion Zoning District Standards. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged as to deflect light away from any adjoining residential property or from any public right-of-way in accordance with the following provisions:
 - (1) The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 4-4-3.4.
 - (2) Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way, unless part of a permanent fixture.

- b. Urban Business Reserve, Commercial, and Industrial Districts. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged so as to deflect light away from any adjoining property or from any public right-of-way in accordance with the following provisions:
- (1) Shielding. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of ninety (90) degrees or less.
 - (2) Intensity. Light sources shall not be permitted so as to light adjacent property in excess of the maximum intensity defined in Section 4-4-3.4.
 - (3) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is twenty-five (25) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of a light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located unless allowed by conditional use permit.
 - (4) Canopy lighting shall only be permitted under the canopy structure and consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination below the canopy may not exceed one hundred fifteen (115) foot candles at ground level.
 - (5) Location.
 - (a) The light source of an outdoor light fixture shall be set back a minimum of ten (10) feet from a road right-of-way and five (5) feet from a side or rear lot line.
 - (b) No light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Planning Department.
 - (6) Glare. Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.
7. Submission of Plans. All applications, except single family residential and agricultural land uses, that include outdoor lighting, must include evidence that the proposed outdoor lighting will comply with this Section. The

application shall contain the following information, in addition to other required information:

- a. Site plans indicating the location on the premises of all illuminating devices, fixtures, lamps, supports, reflectors and other lighting devices.
- b. Description of the type of illuminating devices, fixtures, lamps, supports, reflectors and other lighting devices. The description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required).
- c. Photometric plans illustrating the angle of the cutoff or light emissions, and illumination field of the proposed site lighting.

4-6 6 NUISANCE STANDARDS

1. Air Pollution. Any use shall be operated to control air pollution so that it is not detrimental to, or a danger to, the public health, safety, comfort or general welfare of the public. For the purpose of this Ordinance, the rules and regulation adopted by the Minnesota Pollution Control Agency, as amended, shall apply.
2. The emission of odor by any use, except existing permitted agricultural uses, shall be in conformance with all applicable regulations. Uses or activities which have the potential for odor problems shall prepare an odor control plan which must identify all sources of odor associated with the proposed use and detail how these odor emissions will be addressed by the facility. The plan shall incorporate current Best Management Practices for control of odors from similar facilities and propose methods for addressing and mitigating conditions that result in odor complaints. The use shall be subject to any future odor regulations and shall not be considered a grandfathered use.
3. The emission of noise by any use, except for existing permitted agricultural uses, shall be in conformance with all applicable regulations. Uses or activities which have the potential for noise problems shall prepare a noise control plan which must identify all sources of noise associated with the proposed use and detail how these noise emissions will be addressed by the facility. The plan shall incorporate current Best Management Practices for control of noise from similar facilities and propose methods for addressing and mitigating conditions that result in noise complaints. The use shall be subject to any future noise regulations and shall not be considered a grandfathered use.

4. Bulk Storage (Liquid). All uses associated with bulk liquid storage in above ground or underground storage tanks shall be in accordance with the rules and regulations adopted by the Minnesota Pollution Control Agency and the Minnesota State Building Code, as amended. This includes registering tanks, preventing spills or leaks into the environment, and assuring that the tanks are not a fire or explosion hazard.
5. Hazardous Materials. Any use shall be operated so as not to release hazardous materials into the air, soil or water in violation of Federal, State, or County regulations. In addition, there shall be no release of hazardous material in such concentration so as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property, business or the environment.
6. Solid Waste. In all zoning districts, all solid waste, except for crop residue, shall be kept in closed containers designed for such purposes and shall be managed in accordance with the Scott County Solid Waste Management Ordinance. The owner of vacant land shall be responsible for keeping such land free of all solid waste.
7. Waste.
 - a. All waste generated shall be disposed in a manner consistent with all applicable Federal, State, County, and local regulations.
 - b. Any accumulation of waste generated on any premises, brought on the premises or stored on the premise which is not stored in containers which comply with all applicable Federal, State, County and local regulations, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereon for more than one week, is a nuisance and may be abated. Judgment may be obtained for collection of the costs of abatement against the record owner(s) of the property where the nuisance is found.

Any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with all applicable Federal, State, and local regulations, or other material declared to be a public health nuisance may be abated and the cost of abatement may be assessed against the property where the health nuisance is found.
 - c. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited.

8. Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of all applicable Federal, State, County, and local regulations.
9. Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
10. Commercial, industrial, institutional refuse and recyclable materials and equipment.
 - a. All refuse, recyclable materials, and necessary handling equipment including but not limited to garbage cans, recycling bins, and dumpsters shall be stored within the principal structure, within an accessory building, or totally screened from eye-level view from all neighboring uses and the public right-of-way.
 - b. Exterior storage of equipment shall require the following:
 - (1) Exterior wall or fence treatment shall be similar and/or complement the principal building.
 - (2) The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and easements.
 - (3) The trash and/or recycling enclosure must be in an accessible location for pick up hauling vehicles.
 - (4) The trash and/or recycling receptacles must be fully screened from view of adjacent properties and the public right-of-way by a fence or wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent.
 - (5) All dumpsters, recycling bins, handling equipment, and enclosures shall be kept in a good state of repair with tight fitting lids to prevent spilling and spread of debris. All designs and construction of such enclosures shall be subject to the Planning Department's approval.

4-7 OUTDOOR STORAGE STANDARDS

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

2. Vehicles/Equipment.
 - a. Vehicles “For Sale” Within a Commercial/Industrial District. Motor, commercial and recreational vehicles shall not be displayed “for sale” or sold within commercial/industrial districts unless as part of an approved licensed sales dealership or for short term parking (twelve (12) hours or less) if the vehicle is owned by an employee or owner of said business where the vehicle is parked with the consent of the business owner.
 - b. Property owners of lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban, Urban Transition Reserve Cluster, and Urban Expansion Reserve Cluster Zoning Districts may be permitted to park or store one (1) business associated vehicle not exceeding one (1) ton and one (1) trailer with associated equipment on the trailer, either indoors or outdoors, provided that it is not used for transporting hazardous, or flammable materials. Associated business supplies must be kept indoors. Storage of additional vehicles is not allowed without a conditional use permit.
3. Semi-trailers, cargo containers, railroad cars, or similar structures shall not be used for storage in any zoning district after the effective date of this ordinance.
4. Junked or Inoperable Vehicles - Unless specifically permitted, all motor vehicles, kept or stored outside on any property in any zoning district, shall be currently licensed, and shall be in an operating condition. When a vehicle is lacking vital components needed for operation or current registration, it is declared to be inoperable and shall be removed from the property or placed into a garage or other accessory structure or such vehicle(s) shall be completely screened from view of all adjacent properties or the public right of way (ROW).
5. In all zoning districts, except Agricultural Districts, salvage parts and equipment not currently being used for the purpose of business activities shall be stored in a building, or screened from neighboring properties and public roads, or shall be removed from the property.
6. In the Agricultural, Urban Expansion, Urban Transition, and Urban Business Reserve Zoning Districts, the on-site salvage and storage of parts and equipment for the property owner’s use for the purpose of farming activities shall be permitted. Storage of salvage parts and equipment shall not be located within the required front yard setbacks of the respective district.

7. Any motor vehicle or agricultural/industrial equipment or a part which is in violation of this Ordinance is hereby declared to be a public nuisance. The County may enter upon the land where the public nuisance is located and remove and dispose of such public nuisance, after a court hearing as provided by law, and after thirty (30) days notice to the owner of the land and the owner of the motor vehicle and or agricultural/industrial equipment and parts, if known. No compensation shall be paid for any motor vehicle or agricultural/industrial equipment and parts removed or disposed of pursuant to this Section. If the County receives any proceeds from the removal and disposal of such items, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner, if known. Judgment may be obtained against the record owner(s) of the property upon which the motor vehicle and or agricultural/industrial equipment and parts were located for costs incurred by the County in the removal and disposal of these items which are not reimbursed.
8. Unless specifically permitted, no person may accumulate or permit to accumulate or store outside on any property in any zoning district which might constitute a nuisance by reason of appearance, odor, sanitation, or a fire hazard any discarded goods, products and materials. These materials shall be disposed of in a manner consistent with all applicable Federal, State, County and local regulations. Any scrap wood, parts, metals, or recycled materials that are kept for future use, shall be stored within an accessory structure or garage so as to remain out of public view from an adjacent property or public right of way.

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

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

Chapters Omitted

CHAPTER 6: STORMWATER MANAGEMENT, EROSION CONTROL, AND WETLANDS

6-1 1 PURPOSE

The purposes of this Chapter are to provide for:

1. The protection, preservation, maintenance, and use of the water and soil resources of the unincorporated area of the County through management of stormwater drainage, minimization of land disturbance, and prevention of damage from erosion and sedimentation;
2. The use of controls and regulations to secure safety from floods; to prevent loss of life, property damage, and other losses and risk associated with flood conditions; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to protect individual and community riparian rights; and to preserve the location, character, and extent of natural and artificial water storage and retention areas;
3. The enforcement of this Chapter and the coordination of the enforcement of appropriate and applicable Federal, State, County, and local regulations;
4. The implementation of the goals and policies of the Scott County Comprehensive Plan, as amended, the Scott County Water Resources Plan, as amended, the Scott Watershed Management Organization Comprehensive Water Resource Plan, as amended, and water resource plans prepared by the Lower Minnesota River Watershed District, the Prior Lake/Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organization, as amended.

ARTICLE A. ADMINISTRATION

6A-1 PURPOSE

The purpose of this article is to provide for the clear, consistent and efficient administration of this Chapter.

6A-2 GRADING PERMITS REQUIRED

1. Except as otherwise provided in this Section, it shall be unlawful for anyone to conduct land disturbing activities without first obtaining a written grading permit from the Planning Department in accordance with Chapters 2-8 of this Ordinance unless specifically exempted by Section 6A-2.8 of this Chapter. All land disturbing activities, whether requiring a permit or otherwise, shall conform to the standards in this Chapter.
2. A separate Grading Permit may not be required where this Ordinance requires another zoning application. As a part of the application for a conditional use permit, interim use permit, subdivision, or variance, the land disturbing activities shall be reviewed in conjunction with the zoning application.
3. Approval of a grading permit shall not waive or void any other applicable permits or approvals by this Ordinance or permits or regulations of other agencies.
4. A grading permit shall not be issued without the applicant first providing a Resource Management Plan, an Erosion and Sediment Control Plan, or a Stormwater Pollution Prevention Plan.
5. Resource Management Plan. A Resource Management Plan, signed by a Professional Engineer, or Licensed Landscape Architect, shall be required for the following activities unless waived by the Planning Department:
 - a. All commercial/industrial subdivisions and all subdivisions of land creating five (5) or more residential lots.
 - b. Commercial, industrial, institutional, or recreational land uses that result in the creation of one (1) or more acres of new impervious surfaces, except where a Resource Management Plan for the property has already been completed and approved after March 2, 1996 and the Plan is current and applicable to the proposed project.
 - c. Any land disturbing activity within a Shoreland District where one hundred (100) or more linear feet of shoreline will be disturbed (unless waived by the Planning Department).
 - d. Any public or private road/highway project which will result in the creation of one or more acres of impervious surface outside of the existing surfaced roadway area.

- e. All land disturbing activities resulting in the creation of one (1) or more acres of new impervious surfaces.
 - f. Any proposed project that is an extension or continuation of a previous project requiring a grading permit under this section will have the number of lots or impervious surfaces total applied cumulatively from the previous five years and the cumulative total will determine if a Resource Management Plan is required. This section shall apply for a period of five years after the official approval of the previous project.
6. Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan, signed by a professional engineer or licensed landscape architect, shall be required for the following activities unless waived by the Planning Department:
- a. All grading activities, which do not require a Resources Management Plan, that result in the disturbance of one (1) acre or more of land or a significant change to the existing hydrologic characteristics.
 - b. All subdivisions of land resulting in four (4) or fewer residential lots.
 - c. Any filling, draining, or alteration of a natural or artificial stormwater storage or retention area, wetland, or public water.
 - d. Topographic alteration/grading and filling within a Shoreland District in accordance with Section 70-8-7 of this Ordinance.
 - e. All grading activities resulting in the disturbance of more than 10,000 square feet of land within a Floodplain.
 - f. All grading activities resulting in the disturbance of more than 10,000 square feet of land within the Bluff Overlay District as defined on Map 1 of the 2009-2018 Scott WMO Comprehensive Water Resource Management Plan dated June 9, 2009, as amended.
 - g. Except where all site work will be completed in one day and the disturbed area is completely sodded, the installation or repair of individual sewage treatment systems located:
 - (1) on steep slopes, or;
 - (2) on riparian lots within the Shoreland District, or;
 - (3) within the bluff impact zone.

- g. Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connection to these utilities, where less than ten thousand (10,000) square feet of land or one hundred (100) lineal feet of shoreline is anticipated to be disturbed, or where fewer than fifty (50) cubic yards of materials are anticipated to be moved in such activities.
 - h. Minor wetland impacts under 10,000 square feet of cumulative impact (previous and proposed) that have received an approved “no loss” or “exemption” determination from the local government unit administering the Wetland Conservation Act or Minnesota DNR, as amended.
 - i. All maintenance, repair, resurfacing and reconditioning activities of existing road, bridge and highway systems which do not involve land disturbing activities outside of the existing surfaced roadway area.
 - j. All projects being completed by the Scott Soil and Water Conservation District as part of carrying out its mission.
9. Contribution in lieu of physical improvements. If approved by the County, an applicant may also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities that are part of an approved Resource Management Plan that is designed to service multiple land disturbing and development activities undertaken by one or more persons, including the applicant. If made, this contribution shall be in addition to any standard stormwater development fee that the County may require.

6A-3 GRADING PERMIT INFORMATION REQUIREMENTS

6A-3-1 Resource Management Plan

All activities identified in Section 6A-2.5 require a Grading Permit and a Resource Management Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be signed by a Professional Engineer or Landscape Architect, drawn to an appropriate scale, and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan.

1. The Resource Management Plan shall include, but not be limited to the following information:
 - a. The site plan information outlined in Section 2-10-3 of this Ordinance.
 - b. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including installation of construction site erosion control measures needed to meet the requirements of this Ordinance;
 - c. Location map with major streets and landmarks;
 - d. Project description narrative describing the overall project and the nature and extent of land disturbing activity. The project description shall also identify a project contact person;
 - e. A site plan and (if required) vicinity map showing existing drainage flow patterns and receiving water body(ies);
 - f. Locations of existing wetlands, public waters and natural or artificial water storage and retention areas, protected waters and their individual 100-year flood elevations and wetland boundaries shall be surveyed and located on the site plan;
 - g. Soils map showing soil boundaries, including mapping unit, soil name, slopes, hydrologic group, and highlighting areas of hydric soils;
 - h. 100-year floodplains shall be shown on the site plan, including regulatory floodplains as defined in the floodplain zoning ordinance as well as localized floodplains associated with local stormwater management facilities, ponds, streams and wetlands.
 - i. Pre-settlement and Developed Drainage Maps which illustrate the existing and proposed sub-watershed boundaries, drainage patterns, and discharge points.
 - j. Hydrologic calculations for volume runoff, velocities, and peak flow rates for the 2-year, 10-year, and 100-year storm event for both the Pre-settlement and Developed conditions.
 - k. Normal water level, 100-year high water level and emergency overflow elevations shall be provided on the site plan for all stormwater management facilities, ponds, and wetlands.

- I. Ordinary High Water (OHW) levels shall be provided on the site plan for all lakes, streams and DNR Protected Wetlands. Normal water levels shall be provided where an OHW has not been established.
2. The Resource Management Plan shall also include the requirements for the Erosion and Sediment Control Plan detailed in Section 6A-3-2 as well as all of the information necessary to comply with the performance standards identified in the following Sections:
 - a. Section 6B, Stormwater Management;
 - b. Section 6C, Erosion and Sediment Control;
 - c. Section 6D, Wetland Conservation; and
 - d. Section 6E, Floodplain Alterations; and
 - e. Section 6F, Bluff Standards; and
 - f. Section 6G, Watershed Standards

6A-3-2 Erosion and Sediment Control Plan

All activities identified in Section 6A-2.6 require a Grading Permit and an Erosion and Sediment Control Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be signed by a Professional Engineer or Landscape Architect, drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan:

1. The Erosion and Sediment Control Plan shall meet the standards of Parts III and IV for the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, August 1, 2008, as amended, except where more specific requirements are provided in the Chapter.

2. An Erosion and Sediment Control Plan shall include, but not be limited to the following information:
 - a. Property location map illustrating the site location relative to adjoining properties and streets;
 - b. Site survey illustrating property boundaries, corner monuments, easements, existing and proposed contours, and wetland delineation lines;
 - c. Locations of existing wetlands, public waters, and natural or artificial water storage and retention areas located on-site or adjacent to the land disturbance;
 - d. General location of existing and proposed structures including signs;
 - e. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including location and description of erosion and sediment control practices;
 - f. Project description;
 - g. Proposed spot site elevations illustrating lot corner elevations, basement floor elevations, first floor elevations, and garage floor elevations;
 - h. Critical Erosion or Sedimentation Areas: Describe areas with potential for serious erosion or sedimentation problems;
 - i. Existing and proposed drainage patterns and drainage areas;
 - j. Best management practices to minimize the potential for sediment and pollutant discharges from the site;
 - k. All temporary and permanent stormwater management facilities;
 - l. Identify construction limits, areas to remain undisturbed, and phased construction areas;
 - m. Description of the maintenance of all erosion and sediment control practices which address the following:
 - (1) Efforts to prevent erosion;
 - (2) Prevention of sediment damages;
 - (3) Implementation schedule;

- (4) Site restoration and landscape efforts.
 - n. Identify the individual who will be responsible for erosion and sediment control.
3. The Erosion and Sediment Control Plan shall also include all of the information necessary to comply with the performance standards identified in the following Sections:
- a. Section 6C, Erosion and Sediment Control;
 - b. Section 6D, Wetland Conservation; and
 - c. Section 6E, Floodplain Alterations; and
 - d. Section 6F, Bluff Standards; and
 - e. Section 6G, Watershed Standards

6A-3-3 Stormwater Pollution Prevention Plan

All land disturbing activities not identified in Section 6A-2.5 and Section 6A-2.6, and not specifically exempt in Section 6A-2.8, require a Grading Permit and a Stormwater Pollution Prevention Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan:

- 1. A Stormwater Pollution Prevention Plan shall include, but not be limited to the following information:
 - a. Property Survey, Plat Map, Subdivision Drawings, or County Geographical Information System (GIS) based map, illustrating property boundaries, corner monuments, easements, existing and proposed contours, and wetland delineation lines;
 - b. Locations of existing wetlands, public waters, and natural or artificial water storage and retention areas located on-site or adjacent to the land disturbance;
 - c. General location of existing and proposed structures including signs;

- d. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including location and description of erosion and sediment control practices;
 - e. Project description;
 - f. Proposed spot site elevations illustrating lot corner elevations, basement floor elevations, first floor elevations, and garage floor elevations;
 - g. Critical Erosion or Sedimentation Areas: Describe areas with potential for serious erosion or sedimentation problems;
 - h. Existing and proposed drainage patterns and drainage areas;
 - i. Best management practices to minimize the potential for sediment and pollutant discharges from the site;
 - j. All temporary and permanent stormwater management facilities;
 - k. Identify construction limits, areas to remain undisturbed, and phased construction areas;
 - l. Description of the inspection and maintenance of all erosion and sediment control practices which address the following:
 - (1) Efforts to prevent erosion;
 - (2) Prevention of sediment damages;
 - (3) Implementation and inspection schedule;
 - (4) Site restoration and landscape efforts.
 - m. Identify the individual who will be responsible for erosion and sediment control.
2. The Stormwater Pollution Prevention Plan shall also include all of the information necessary to comply with the performance standards identified in the following Sections:
- a. Section 6C, Erosion and Sediment Control;
 - b. Section 6D, Wetland Conservation; and
 - c. Section 6E, Floodplain Alterations; and
 - d. Section 6F, Bluff Standards; and

- e. Section 6G, Watershed Standards

6A-4 REVIEW OF GRADING PERMITS

1. The Planning Department shall review the Grading Permit for determination of the technical adequacy and effectiveness of the proposed plan and its compliance with the performance standards in this Chapter.
2. The Grading Permits shall be reviewed and processed in accordance with Chapter 2-8, Administrative Permits of this Ordinance.
3. No land disturbing activities subject to the requirements of this Chapter shall commence until approval has been given by the County.

6A-5 APPROVAL OF GRADING PERMIT; PERMIT ISSUANCE; FINANCIAL GUARANTEE

1. If the Planning Department determines that the application for a Grading Permit meets the requirements of this Chapter, the Planning Department shall issue a permit valid for a specified period of time that authorizes the land disturbing activity contingent upon the satisfactory implementation and completion of the approved grading permit. The permit shall reference the specific approved plan or approved revision thereof and shall contain provisions deemed necessary to ensure the maintenance of any permanent or temporary practices.
2. Upon approval of the grading permit, for all projects that require a Resource Management Plan or an Erosion and Sediment Control Plan, the Planning Department shall require the applicant to provide a financial guarantee in the form of a letter of credit or cash deposit in favor of the County equal to one hundred twenty-five (125) percent of site grading, stormwater management, and erosion/sediment control costs necessary to ensure the satisfactory installation, completion, and maintenance of the measures and procedures as required in the approved Grading Permit. The County may allow one security to be held by the Township if agreed to as part of a developer's agreement including the County and allowing the county to approve or deny any requests to reduce or eliminate the security.
3. For all zoning and subdivision applications requiring a Resource Management Plan a minimum \$5,000 financial guarantee shall be provided to the County to ensure that the Certificate of Compliance procedures are completed.

6A-6 DENIAL OF GRADING PERMIT

1. If the Planning Department determines that the application for a Grading Permit does not meet the requirements of this Chapter, the Planning Department shall deny the issuance of a permit to the applicant. The applicant may seek to revise the proposed application and reapply for a permit.

6A-7 INSPECTION

1. The Planning Department or County authorized agent may inspect the applicant's progress of implementing the plan required by the permit. If the Planning Department finds that insufficient progress or a non-compliant activity is occurring, the Planning Department shall immediately notify the applicant or landowner of the problem and demand compliance. If compliance is not followed the County may draw on the financial guarantee to ensure protection of public soil and water resources.

6A-8 CERTIFICATE OF COMPLIANCE

1. After all of the required measures and procedures as described in the application for a Grading Permit have been executed by the applicant, the Planning Department shall conduct a review to ensure that all required measures and procedures have been properly executed by the applicant.
2. Where a Resource Management Plan has been prepared and approved in the issuance of the Grading Permit, the Planning Department shall not conduct its final review until the measures and procedures of the plan have been certified as being completed by a professional engineer, or licensed landscape architect registered in the State of Minnesota.
3. The applicant shall provide the County with "as built" project plans for any application requiring a Resource Management Plan. One (1) full size hardcopy plan set and one (1) set of digital PDF plans shall be submitted to the Planning Department.
4. If the Planning Department determines that the measures required by the Grading Permit has been adequately executed, the Planning Department shall issue a certification of compliance to the applicant and release the remaining financial guarantee collected as outlined in Section 2-12.

6A-9 RESTORATION REQUIRED

1. If the applicant does not implement the requirements of the Grading Permit, the Planning Department may order the applicant to restore the

development site, in whole or in part, to compliant conditions as they existed prior to the initiation of the land disturbing activity.

6A-10 MAINTENANCE OF PERMANENT MEASURES

1. The applicant or successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified with the Grading Permit application. At the time of completion of the development, those structures, measures and systems within public easements shall be permanently maintained by the Township after official acceptance by the Township Board.
2. If the County determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates this Ordinance, the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the County, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The owner is responsible for obtaining any necessary permits from the County under this Ordinance before commencing any repairs or restoration.

ARTICLE B. STORMWATER MANAGEMENT STANDARDS

6B-1 PURPOSE

The purpose of this Article is to prevent or reduce, to the most practicable extent, the effect or impacts of stormwater runoff within the County and to provide for the protection of natural and artificial water storage and retention areas and public waters. Further, this Article clarifies the performance standards as they pertain to the permit system, including standards and specifications for conservation practices and planning activities, to minimize stormwater runoff damages in order to prevent degradation of water and soil resources.

6B-2 PERFORMANCE STANDARDS

Proper stormwater management shall be followed within the County as described in this Article. The following stormwater management practices shall be used in developing a Resource Management Plan.

1. General Standards:

- a. The need for stormwater management facilities shall be reduced by incorporating or restoring the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond. When development density, topographic features, and soil vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- b. Stormwater Rate Control: The resource Management Plan shall include the design of all stormwater management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary shall not exceed pre-settlement conditions and accelerated channel erosion on and off site will not occur as a result of the proposed land disturbing or development activity. Pre-settlement conditions may include lake or pond outlets that have existed as of the effective date of this Ordinance, and that will be maintained in accordance with Section 4A-10 of this Ordinance. A project may be exempt from the peak discharge rate requirements above if a downstream facility has been designed and constructed to include the discharge rate requirements of the proposed project.
- c. Detention Storage for Water Quality: Where a project's ultimate development replaces surface vegetation with one or more acres of cumulative impervious surface and all runoff has not been accommodated in a Watershed District's or County's adopted applicable storm water management plan or practice (i.e. regional ponding) the runoff shall be discharged to a wet sediment pond. The reconstruction or work on existing private or public roadways must comply with this requirement unless specifically exempt under National Pollutant Discharge Elimination System (NPDES) rules.
- d. Stormwater Volume Control.
 - (1) For protection of downstream waterbodies from channel erosion and nutrient loadings, the applicant shall use the most current Best Management Practices (BMPs) to reduce the general impacts of increased runoff volume.

(2) Development resulting in the creation of impervious surfaces must explicitly address the use of BMPs Best Management Practices to limit the loss of pervious area. BMPs to be evaluated shall include, but not be limited to, vegetated swales, pond outlets perched above ground water levels, roof drainage to pervious areas, depressed casual storage areas, minimization of the number and width of parking stalls, “rural section” roads and road width minimization, and mitigation of disrupted soils.

e. Prevention of downstream nuisance and damage.

(1) In addition to the general channel protection stormwater volume controls described above, the applicant shall also demonstrate that increased stormwater runoff volumes above pre-settlement conditions will not adversely affect downstream properties or water resources. An assessment of the potential for adverse impacts downstream of site improvements, whether on- or off-site, is required except when the proposed activity, development or redevelopment is less than 20 acres and less than 8 percent of the site is covered by impervious surface, or when the rate control provisions of paragraphs 3(b) and 3(c) of the Rule, as applicable, are met; and the proposed activity, development or redevelopment does not increase runoff volume for the 2-year critical duration event (not including snow melt). To demonstrate that the proposed activity does not accelerate on or off-site erosion, downstream nuisance, flooding or damage, the applicant must complete an evaluation downstream to the point where the proposed activity is 10 percent of the drainage area (e.g. a 10 acre development must evaluate downstream to the point where the drainage area is 100 acres). The evaluation at a minimum must consist of an assessment of:

(2) Potential impacts to areas surrounding landlocked lakes or ponds, or lakes or ponds with inadequate outlets where flood levels would be increased by added runoff volume. The evaluation must include:

(a) An assessment of water levels in the water body resulting from the contributing watershed’s full annual runoff yield during a 100-year wet year using the Simplified Hydrologic Yield Method (SHYM), or more rigorous methods for back to back 100-year critical

events, for both existing conditions and fully developed watershed conditions; and

- (b) The identification of public and private structures (including low floor and entry elevations of residences, and individual sewage treatment systems (ISTS)), and infrastructure (sanitary sewer, stormwater pipes and facilities, and roads) surrounding the water body and located within 2 vertical feet of the future conditions water level elevation predicted using the SHYM, or the elevation for the back to back 100-year critical event.
- (c) If there are public or private structures or infrastructure located within 2 vertical feet of the future conditions SHYM, or back to back 100-year critical event elevation, the applicant must demonstrate that no adverse impacts to health, safety and welfare, or property damage, would occur; or provide corrective actions. Corrective actions shall include the following as necessary to mitigate in proportion to the proposed project impact:
 - (1) Controlling post-development runoff volumes at existing conditions;
 - (2) Controlling runoff rates to less than pre-settlement rates;
 - (3) Protecting or re-locating impacted structures or infrastructure, or securing easements for additional flooded areas; or
 - (4) Other actions necessary to mitigate the impact.
- (3) Potential impacts to downstream infrastructure, public and private structures, and erosion along the drainage path and downstream public waters. The evaluation must include:
 - (a) The identification of existing public and private drainage easements;
 - (b) The locations, condition, and dimensions of the existing drainage infrastructure;

- (c) The location and elevation of structures with low floors, or entries within 2 vertical feet of the 100-year critical storm flood level;
- (d) The location and description of known existing flooding problems; and
- (e) A hydrologic and hydraulic assessment of flooding impacts of the proposed project on downstream public and private structures.
- (f) An assessment of existing and potential watercourse erosion, bank stability, bank protection, and watercourse slope;
- (g) An assessment of the hydrologic and hydraulic capacity of the downstream public and private infrastructure;
- (h) An assessment of property damages; and health, safety and welfare impacts relative to increased flooding of public and private infrastructure. Minnesota Department of Transportation guidelines shall be used to assess safety of flood levels at downstream driveways and road crossings.
- (i) If property damage, erosion, public health, safety and welfare impacts are identified the applicant must provide corrective action. Corrective actions shall include the following as necessary to mitigate in proportion to the proposed project impact:
 - (1) Actions described in Section 6B-2.1.e (1)(c) of this rule;
 - (2) Obtaining easements;
 - (3) The installation of stream bank stability and protection measures;
 - (4) The upgrading, protecting or re-locating impacted infrastructure; or
 - (5) Other actions necessary to mitigate the impact.

- (4) Potential impacts to wetlands with exceptional vegetative diversity functional value. The evaluation must include:
 - (a) Delineation and functional assessment of wetlands according to Section 6D-4.4;
 - (b) A hydrologic and hydraulic analysis of the before and after project water level bounce and period of inundation for wetlands with exceptional vegetative diversity for the 1-year, 2-year and 10-year critical duration events.
 - (c) The applicant must provide corrective actions that mitigate in proportion to the proposed project impact as specified in the Paragraph below; if the water level bounce and period of inundation created by the storms evaluated in Section 6B-2.1.e(3)(b) of this Chapter exceeds the limit specified in the following table.
 - (d) Corrective actions shall consist of runoff rate and volume controls necessary to keep the water level bounce and period of inundation within the limits specified in the following table.
 - f. Stormwater facilities must be designed and installed consistent with the current Best Management Practices.
 - g. The requirements of this Section are intended to be minimal standards for protection of the public interest in protection of soil and water resources. Where design and construction requires the involvement of professional expertise, the standards of this Section shall not define or replace the requirements of professional conduct and practice.
 - h. The county may approve alternative stormwater practices and methodologies it deems to provide equivalent performance and protection as compared to the standards outlined within this section.
2. Specific Standards for Stormwater Conveyance and Rate Control Facilities.
 - a. All stormwater management calculations submitted for review shall include sufficient information to evaluate the changes to the

stormwater drainage characteristics within the watershed areas affected by the proposed land disturbance activity. The applicant shall provide calculations, which clearly show the affects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site. The County may require the Applicant to provide as part of the stormwater management calculations, any additional information or data needed to complete the review.

- b. The stormwater calculations submitted for review shall use standard hydrological and hydraulic analysis methods that are acceptable to the County. Calculations which use unproven methodologies or apply proven methodologies incorrectly shall be determined by the County to be unacceptable for the purposes of this Chapter and shall be returned to the applicant for correction and resubmittal.
- c. Acceptable hydrological methods and procedures to determine peak runoff discharge rates and runoff volumes for all development, except for street and highway pavement drainage systems, shall be the standard methods of the Natural Resources Conservation Service (NRCS) SCS TR 55 and the SCS TR 20 Methods as defined in the current Hydrology Guide for Minnesota.
- d. Precipitation events for the TR 55 and TR 20 Methods shall be for the one (1), two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm events using U.S. Weather Bureau technical Paper No. 40 rainfall depths of 2.4, 2.8, 4.2 and 6.0 inches respectively and Type II rainfall distribution.
- e. Acceptable hydrological methods and procedures to determine peak runoff discharge rates for street and highway pavement drainage systems, inlet capacities and piped storm sewer systems shall be the Rational Method as defined in the current Minnesota Department of Transportation Drainage Manual.
- f. Precipitation events for the Rational Method shall be for the one (1), two (2), ten (10) and one hundred (100) year storm events using the U.S. Weather Bureau, Technical Paper No. 40 rainfall intensity duration frequency curves for the Minneapolis- St. Paul metropolitan area.
- g. Where development site drainage discharges to an existing roadway, ditch or storm sewer system or other public facility, the applicant shall provide as part of the calculations, all survey, utility

or other topographic data of the existing condition needed for the County to determine that the proposed development does not impact or degrade any critical roadway element or affect the safety, maintenance and function of the public facility.

- h. **Drainage Areas.** Resource management plans shall show existing and proposed drainage areas used for stormwater analysis, including off-site portions of subwatersheds that are partly located on the property for which the plan is being prepared. Where drainage areas include runoff from off-site areas, those areas may be shown and measured from maps at larger scales (e.g., United States Geological Survey Quadrangle Maps) if better mapping is not reasonably available.
- i. **Runoff Curve Numbers (RCNs):** Stormwater management plans shall include a detailed breakdown of existing and proposed RCNs used.
- j. **Pre-settlement conditions:** Pre-settlement runoff curve numbers shall be used for all areas undergoing a land use change. The following curve numbers shall be used to analyze pre-settlement conditions:

Hydrologic Soil Group	Runoff Curve Number
A	30
B	55
C	71
D	77

- k. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.
- l. **Impervious Coverage:** Stormwater management calculations shall list the new impervious area created in each sub-watershed and shall include the assumptions and calculations used for determining impervious area (house pad, driveway, etc).
- m. **Runoff Calculations:** The applicant shall provide calculations for two (2), ten (10), and one hundred (100) year peak discharge rates for each subwatershed comparing pre-settlement conditions and proposed conditions. For projects located within the Vermillion

River Watershed Joint Powers Organization jurisdiction, the applicant shall provide calculations for the one (1) year peak discharge rate for each subwatershed comparing existing conditions and proposed conditions.

- n. Where pre-settlement conditions indicate no runoff, the infiltration capacity required elsewhere in this ordinance may be used to demonstrate compliance with a no-runoff requirement for the storm frequency and duration being considered.
 - o. The minimum design capacity of all drainage systems shall accommodate the runoff from a ten (10) year storm event. All drainage systems and facilities shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility, downstream areas and/or significant risk to human health and safety.
 - p. Drainage plans shall show pre-existing drains and tile lines. Stormwater facilities must be designed assuming that tiles will no longer function unless an easement is supplied for future maintenance and the applicant demonstrates that the tile line has design capacity and service condition that make it suitable as a component of the stormwater management system.
 - q. Drainage plans must evaluate landlocked lakes and ponds in the design analysis and include the water levels of the water bodies resulting from the contributing watershed's full annual runoff yield during a 100-year wet year using the Simplified Hydrologic Yield Method (SHYM) or back to back 100-year critical events for both existing and fully developed watershed conditions.
3. Specific Standards for Wet Detention Basins.
- a. All stormwater wet detention ponds shall be designed and constructed in accordance with the W.W. Walker Method (1987) described in the Best Management Practices and provide:
 - 1. A permanent wet pool with dead storage greater than or equal to the runoff from a 2.5-inch storm event;
 - 2. Pond outlets shall be designed to prevent short circuiting of the flow from pond inlets to the outlets;

3. A normal water elevations above the Ordinary High Water (OHW) of adjacent water bodies, or normal water level where the OHW is not established.
 4. An outlet skimmer to prevent migration of floatables and oils for at least the 1-year storm event; and
 5. Access for future maintenance.
 6. Stormwater facilities may also be designed using the methodology in the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, August 1, 2008, as amended, section III.C.1.
- b. Designs for detention basins shall include but not necessarily be limited to calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillway, pond profile and pond cross section.
 - c. Skimmers shall be included on outlet of wet detention ponds. Construction details of the skimmers shall be shown on the construction plans for the pond.
 - d. Ground Water Sensitivity: Wet ponds located in areas identified as being highly susceptible to ground water contamination (except ground water discharge areas) shall be designed so that the pond bottom shall be at least three feet above the seasonal high ground water elevation and bedrock and be lined with two (2) feet of soil having a permeability less than 0.3 inches per hour.
4. Specific Standards for Volume Control.
 - a. Infiltration practices for control of stormwater runoff volume shall be capable of infiltrating a volume of runoff equivalent to the depth of one-half (1/2) inch of runoff over the area of all new impervious surfaces within the development within seventy-two (72) hours. This condition may be waived for sites with predominately Type C and D soils, or where a shallow water table prevents construction of infiltration systems, provided the following conditions are met:

- (1) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extend practical.
 - (2) Underdrains are used to promote filtration instead of infiltration.
- b. Volume controls shall be greater than the volume of runoff equivalent to the depth of one-half (1/2) inch of runoff over the area of all new impervious surfaces if necessary to mitigate downstream impacts in accordance with Section 6B-2-1.e.3.
 - c. Infiltration volumes and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturated infiltration rate from the table below. Documented site specific infiltration or hydraulic conductivity measurements can be used in place of the values in the table if approved by the County. Soil percolation rates may not be used for calculating infiltration rates. The goals of these BMPs are to minimize the amount of directly connected impervious surface created, preserve the infiltration of the soil, and incorporate practices into the design which are capable of infiltrating one-half (1/2) inch of runoff from impervious surfaces within seventy-two (72) hours.

Soil Group	Infiltration Rate (inches per hour)	Soil Texture
A	0.3	Sandy, loamy sand, or sand loam
B	0.15	Silt loam or loam
C	0.07	Sandy clay loam

Source: Urban Hydrology for Small Watersheds (SCS, June 1986)

- d. Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting.
- e. Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.
- f. New constructed stormwater outfalls to any public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

- g. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction that will enter the infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging and to protect groundwater quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips. To minimize potential groundwater impacts it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollution source areas such as parking lots.
 - h. Infiltration systems must be designed to bypass higher flows.
 - i. Infiltration areas must be fenced or otherwise protected from disturbance before the land disturbing activity starts.
 - j. Constructed infiltration practices, such as infiltration ponds and trenches, as the best management practice for volume control shall be avoided by using other appropriate volume control practices, credits, or areas of project sites, and shall not be used:
 - (1) For runoff from fueling and vehicle maintenance areas,
 - (2) On areas with less than 3 feet vertical separation from the bottom of the infiltration system to the elevation of seasonal high groundwater or top of bedrock,
 - (3) For areas with runoff from industrial, commercial and institutional parking lots and roads where there is less than 5 feet separation from the bottom of the infiltration system to the elevation of the seasonal high groundwater,
 - (4) On areas with Type D soils.
 - j. The volume required for infiltration practices may be reduced by using stormwater volume credits. The credits outlined in the 2009-2018 Scott Watershed Management Organization's (WMO) Comprehensive Water Resource Management Plan Standards, adopted June 9, 2009, as amended, may be applied.
5. Specific standards for areas of moderate or high susceptibility to ground water contamination.

- a. Infiltration areas shall have either natural undisturbed soil or be lined with at least two feet of soil with a permeability of 5 minutes per inch or slower as defined in the Ground Water Protection Plan.
- b. Infiltration areas shall be at least three feet above the seasonal high ground water elevation and bedrock.
- c. Constructed infiltration practices in areas of medium or high groundwater susceptibility shown on Map 5 of the Scott WMO Comprehensive Water Resource Management Plan adopted June 9, 2009, as amended; and within 400 feet of a community water system or within 100 feet of a private well shall have pretreatment of runoff unless otherwise specified in an approved Wellhead Protection Plan.

ARTICLE C. EROSION AND SEDIMENT CONTROL STANDARDS

6C-1 PURPOSE

The purpose of this Article is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects within the County and to provide for the protection of natural and artificial water storage and retention areas and public waters.

6C-2 PERFORMANCE STANDARDS

Proper erosion and sediment control practices shall be followed within the County as described in this Article. All land disturbing activity, whether or not a permit is required, shall adhere to the following performance standards:

1. General Standards.
 - a. No land owner or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation or which results in damages to water or soil resources or off-site impacts.
 - b. All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation.
 - c. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of the development. The smallest

practical area of land shall be exposed or otherwise disturbed at any one period of time.

- d. Erosion and sediment control measures shall meet the standard for the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, August 1 2003, as amended; except where more specific requirements are provided in Section 6C-2.2 of this Chapter below.
- e. All erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity, and shall not be removed without County or Township approval or approval of a Certificate of Compliance pursuant to Section 6A-8 of this Chapter.

2. Specific Standards.

- a. No land disturbing activity shall cause active gully erosion or negative off-site impacts.
- b. No land disturbing activity shall cause an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
- c. No land disturbing activity shall cause the creation of unstable slopes persisting after the completion of the development.
- d. Permanent or temporary soil stabilization must be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, not to exceed the time frames provided in the NPDES General Construction Permit Part IV.B.2. BMPs for soil stabilization should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.
- e. The Erosion and Sediment Control Plan and construction specifications shall define specifications and rates for landscaping, grass seed, fertilizing, mulch anchoring methods and time requirements for permanent seeding.
- f. Soil stockpiles must be stabilized or protected with sediment trapping measures to prevent soil loss.

- g. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- h. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
- i. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt curtains or hay bales), and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within fifteen (15) days of installation.
- j. Stormwater runoff from drainage areas with more than five (5) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility. The basins must be designed and constructed according to the standards in the NPDES General Construction Permit Part III.B.
- k. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Slopes which are not vegetated within one (1) year of construction must be provided with additional slope stabilizing measures by the applicant until the problem is corrected.
- l. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff.
- m. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 10-year frequency storm without erosion.
- n. Rip rap shall be placed at culvert outfalls in accordance with MnDOT standard specifications.
- o. All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- p. Construction vehicles and equipment shall be kept out of watercourses to the extent possible.
- q. The construction of non-exempt underground utility lines shall be subject to the following criteria:

- (1) No more than five hundred (500) feet of trench are to be opened at one time unless approved by the Planning Department.
 - (2) Where consistent with safety and space consideration, excavated material is to be placed on the uphill side of trenches.
 - (3) Trenched watering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.
- r. Wherever construction vehicle access routes intersect paved public roads, provisions must be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface such as rock construction entrances.
- s. The applicant shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with best management practices, and in conformance with the maintenance requirements in the NPDES General Construction Permit. The applicant is responsible for the operation and maintenance of temporary erosion prevention and sediment control BMPs for the duration of the construction work at the site. The applicant is responsible until the site has undergone final stabilization as defined in NPDES General Construction Permit Appendix B, and has received an approved Certificate of Compliance in accordance with Section 6A-8 of this Chapter.
- t. Erosion and sediment control measures shall be consistent with Best Management Practices (BMPs), and shall be sufficient to retain sediment on-site.
- u. If the land disturbing activity is taking place on a site where the soils are already disturbed (e.g. a tilled agricultural site that is being developed), areas that will not be disturbed as part of the development and areas that will not be disturbed according to the time frames and slopes specified in the NPDES General Construction Permit Part IV.B.2 shall be seeded with temporary or permanent cover before commencing the proposed land disturbing activity.

- v. All areas previously used in agricultural production must be vegetated using permanent vegetation for any land undergoing a land use change from agricultural production.

ARTICLE D. WETLAND CONSERVATION

6D-1 PURPOSE

The County finds that wetlands serve a variety of beneficial functions. Wetlands maintain water quality, reduce flooding and erosion, provide food and habitat for wildlife, provide open space, and are an integral part of the County's environment. Wetlands are important physical, educational, ecological, aesthetic, recreational and economic assets to the County. They are critical to the County's stormwater management and other aspects of health, safety and general welfare. Regulating wetlands and the land uses around them are therefore in the public interest.

6D-2 LOCAL GOVERNMENT UNIT (LGU)

In all the unincorporated areas of the County, each individual Town Board has accepted the responsibility to act as the Local Government Unit (LGU) to implement the Wetland Conservation Act of 1991, as amended, and the accompanying rules of the Minnesota Board of Water and Soil Resources. The Planning Department shall notify permit applicants to contact their LGU for the requirements of the Wetland Conservation Act.

6D-3 REGULATION

1. No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland or public waters wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity.
2. For any parcel created or redeveloped after the effective date of this Ordinance, a buffer shall be maintained around the perimeter of all wetlands and public waters wetlands. The buffer provisions of this Chapter shall not apply to any parcel of record as of the amended date of this Ordinance until such parcel is subdivided or developed.
3. The buffer portions of this Chapter do not apply to any wetland or public waters wetland with a surface area equal to or less than the area of wetland impact allowed without replacement as de minimus under the Wetland Conservation Act (WCA), and to those portions of wetlands that will be filled under approved wetland replacement plans per the Wetland

Conservation Act (WCA).

6D-4 CRITERIA

1. Any drainage, filling, excavation or other alteration of a public waters wetland or wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the WCA, and regulations adopted thereunder.
2. A public waters wetland or wetland may be used for stormwater storage only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.
3. Wetland replacement/mitigation siting must follow the priority order below:
 - a. Mitigation on-site
 - b. Mitigation within the same subwatershed
 - c. Mitigation within the WMO boundary
 - d. Mitigation within Scott County
 - e. Mitigation within the same major watershed.
4. A wetlands functional assessment for vegetative diversity will be completed with each wetland, and public waters wetlands, delineated for a project and buffers established according to the following table. The functional assessment and wetland rankings will be determined using the Minnesota Routine Assessment Method version 3.0 (MnRAM 3.0, as amended). Rankings are summarized as follows.

Buffer Requirement	Exceptional	High	Medium	Low	Stormwater Ponds
Average Buffer Width	65 feet	50 feet	35 feet	25 feet	0
Minimum Buffer Width	25 feet	25 feet	25 feet	25 feet	0*

**Must have a building setback of 10 feet from delineated edge of wetland and elevated as necessary to meet provisions of paragraph 3(1) of Rule D.*

“Exceptional” Wetland – are wetlands assigned the exceptional rating using MnRAM 3.0 for evaluating wetland functions. These wetlands are most susceptible to human impacts, are most unique, have the highest

community resources significance such as rare species habitats, and similar characteristics.

“High” Wetland – are wetlands assigned the high rating using MnRAM 3.0 for evaluating wetland functions. These wetlands are relatively undisturbed but exhibit evidence of more disturbance or degradation than Exceptional wetlands. High wetlands have conditions and functions that are susceptible to human impacts, are connected to other wetlands or watercourses, and may contain locally significant or rare wetland types.

“Moderate” Wetlands – are wetlands assigned a moderate rating using MnRAM 3.0 for evaluating wetland functions. These wetlands typically provide a diversity of habitats, and are connected to other wetland or upland habitats to provide wildlife habitat.

“Low” Wetlands – are wetlands assigned a low rating using the MnRAM 3.0 for evaluating wetland functions. These wetlands tend to be less susceptible to further impacts than the other wetland management classifications. They also have low diversity and connectivity to other wetlands and watercourses.

Stormwater Ponds – are designated strictly for treating and retaining stormwater.

5. All structures shall have a minimum set-back of 35 feet from the delineated edge of wetlands and public waters wetlands.
6. The first 25 feet of buffer as measured from the wetland or public waters wetland cannot be disturbed during project construction (i.e., cleared or graded, except for temporary disturbances for public roads and utility construction) and must be protected from disturbance with temporary fencing prior to construction. Vegetation can be replaced and site soils preparation work completed within this first 25 feet if necessary to establish acceptable vegetation in accordance with Paragraph 3(h) of this Rule.
7. Buffers shall apply whether or not the wetland or public waters wetland is on the same parcel as a proposed development. An applicant is required to delineate the boundary for any wetland or public waters wetland on the project land. An applicant shall not be required to delineate wetlands on adjacent property, but must review available information to estimate the wetland boundary.
8. Buffer vegetation shall be established and maintained as follows:

- a. Where acceptable natural vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer has acceptable natural vegetation if it:
 - (1) Has a continuous, dense layer of perennial grasses that has been uncultivated or unbroken for at least 5 consecutive years; or
 - (2) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or
 - (3) Contains a mixture of the plant communities described in Paragraphs 3(h)(1)(aa) and 3(h)(1)(bb) of this Rule above that has been uncultivated or unbroken for at least 5 years.

- b. Notwithstanding the performance standards set forth in Section 6D-4.8 of this Chapter, the County may determine existing buffer vegetation unacceptable if:
 - (1) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge or noxious weeds; or
 - (2) It has topography that tends to channelize the flow of runoff; or
 - (3) For some other reason it is unlikely to retain nutrients and sediment.

- c. Where buffers are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer plantings must be identified on the permit application. The buffer landscaping shall comply with the following standards:
 - (1) Buffers shall be planted with a seed mix approved by MnDOT, BWSR, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye.
 - (2) The seed mix shall be broadcast according to MnDOT, BWSR, NRCS or SWCD specifications of the selected mix. The annual nurse cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT, BWSR, or NRCS

seed mix selected for permanent cover shall be appropriate for the soil site conditions and free of invasive species.

- (3) Native shrubs may be substituted for forbs with prior approval from the County. Such shrubs may be bare root seedlings and shall be planted at a rate of sixty (60) plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
 - (4) Native prairie grasses and forbs shall be planted using a method approved by the County prior to planting or seeding.
 - (5) No fertilizer shall be used in establishing new filter strips, except on highly disturbed sites when deemed necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
 - (6) All seeded areas shall be mulched immediately with clean straw at a rate of one and one-half (1.5) tons per acre. Mulch shall be anchored with a disk or tackifier.
 - (7) Buffers (both natural and created), shall be protected by silt fence during construction and the fence shall remain in place until the area crop is established.
- d. Buffer vegetation shall be established and maintained in accordance with the requirements found in this Paragraph 3(h) of this Rule. During the first 2 full growing seasons, the owner must replant any buffer vegetation that does not survive. The owner shall be responsible for reseeding/or replanting if the buffer changes at any time through human intervention or activities. At a minimum the buffer must be maintained as a “no mow’ area.
9. When a buffer is required the applicant shall, as a condition to issuance of a permit:
- a. Submit to the County for its approval a conservation easement for protection of approved buffers, or include the buffer in a dedicated outlot as part of platting and subdivision approval. The easement shall describe the boundaries of the wetland or public waters wetland and buffer, identify the monuments and monument locations, and prohibit any the alterations set forth in Paragraph 3(j) of this Rule below and the removal of the buffer monuments within the buffer, wetland, or public waters wetland. Outlot descriptions

shall provide for an equivalent level of protection of the buffer and prohibit any alterations set forth in 6D-4.10 of this Rule below.

- b. File the approved easement for record and submit evidence thereof to the County, or complete preliminary and final plats including dedicated outlot(s); and
 - c. Install the monumentation required by 6D-4.12 of this section.
10. Subject to Section 6D-4.11 of below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.
11. The following activities shall be permitted with any buffer, and shall not constitute prohibited alterations under Section 6D-4.10 above:
 - a. Use and maintenance of an unimproved access strip through the buffer, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights;
 - b. Placement, maintenance, repair or replacement of public roads, and utility and drainage systems that exist on creation of the buffer or are required to comply with any subdivision approval or building permit obtained from the County, so long as any adverse impacts of public road, utility and drainage systems on the function of the buffer have been avoided or minimized to the extent practical;
 - c. Construction, maintenance, repair, reconstruction or replacement of existing and future public roads within a buffer, so long as any adverse impacts of the road on the function of the buffer have been avoided or minimized to the extent practical.
 - d. Individual Sewage Treatment Systems (ISTS) may be constructed within a buffer but outside the 35 foot structure setback as long as the vegetation growing on the system is maintained in accordance with Paragraph 3(h) of this Rule, and the system otherwise meets County and State rules for ISTS systems.
 - e. Clearing, grading and seeding is allowed if part of an approved Wetland Replacement Plan.

12. Buffers shall be monumented to clearly designate the boundaries of all buffers within new residential developments. A monument shall be required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer. Additional monuments shall be placed as necessary to accurately define the edge of the buffer. A monument shall consist of a post and a buffer sign. The signs shall be obtained from the Scott County and include warnings about fines for disturbing and/or developing buffers. The signs shall be a minimum of 5 inches wide by 7 inches vertical, have a brown field with white lettering, and shall be securely mounted on a post to a minimum height of 4 feet above grade.
13. Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.

6D-5WETLANDS, DNR PROTECTED

All protected wetlands in the unincorporated areas shown on the Protected Waters Inventory Map for Scott County, shall be subject to the following requirements, except as otherwise stated in this Ordinance:

1. The lowest floor elevation of buildings shall be placed above the greater of three (3) feet above the ordinary high water level of DNR protected wetlands or one (1) foot above the one hundred (100) year flood elevation.
2. Structures shall maintain a seventy-five (75) foot setback from the ordinary high water level. If an ordinary high water level has not been determined for a DNR Protected Wetland, the setback shall be measured from the delineated boundary of the wetland.
3. Individual sewage treatment systems shall maintain a fifty (50) foot setback from the ordinary high water level. If an ordinary high water level has not been determined for a DNR Protected Wetland, the setback shall be measured from the delineated boundary of the wetland.

ARTICLE E. FLOODPLAIN ALTERATIONS

6E-1 PURPOSE

The purpose of this article is to provide guidance for managing local floodplain areas to maintain critical 100-year flood storage volumes and to assure that new structures are

constructed above the flood-prone areas to avoid causing an increase in the critical flood levels that could affect both the new construction and nearby structures.

6E-2 REGULATION

No person or political subdivision shall alter or fill land, or build a structure, below the 100-year critical flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the Planning Department.

6E-3 CRITERIA

1. Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the water body to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows.
2. A land disturbing activity within a floodplain may require a grading permit in accordance with Section 6A-2 of this Chapter.
3. An activity that alters or fills a wetland within a floodplain may require a grading permit in accordance with Section 6A-2 of this Chapter as well as applicable wetland permits in accordance with the Wetland Conservation Act.

ARTICLE F. BLUFF STANDARDS

6F-1 PURPOSE

The purpose of this section is to protect adjacent property, structures, and landowners from potential damages as a result of destabilizing steep slopes identified as bluffs.

6F-2 REGULATION

1. The requirements identified in the 2009-2018 Scott Watershed Management Organization Comprehensive Water Resource Plan Standards, Adopted June 9, 2009, Standard C, as amended, will be applied where Chapter 6 is enforceable, regardless of the actual watershed management jurisdiction.

ARTICLE G. WATERSHED STANDARDS

6G-1 PURPOSE

The purpose of this article is to provide for the implementation of the goals and policies of the various watershed management organizations that operate within the County. This includes the goals and policies of the 2009-2018 Scott WMO Organization Water Resource Management Plan, adopted June 9, 2009, as amended, and water resource management plans prepared by the Lower Minnesota River Watershed District, the Prior Lake – Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organization, as amended.

6G-2 REGULATION

1. All activities requiring a permit under this chapter must also meet the minimum standards of the watershed management organization in which the activity is located.
2. If an activity is located within the political boundaries of the Scott Watershed Management Organization, the minimum standards of the WMO as laid out in the 2009-2018 Scott WMO Organization Water Resource Management Plan, adopted June 9, 2009, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.
3. If an activity is located within the political boundaries of the Prior Lake – Spring Lake Watershed District, the minimum standards of the District as laid out in the Prior Lake Spring Lake Watershed District Rules, adopted August 12, 2003, as amended, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.
4. If an activity is located within the political boundaries of the Lower Minnesota River Watershed District, the minimum standards of the District as laid out in the 1999 Lower Minnesota River Watershed District Management Plan, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.
5. If an activity is located within the political boundaries of the Vermillion River Watershed Joint Powers Organization, the minimum standards of the District as laid out in the Vermillion River Watershed Joint Powers Organization Standards, as adopted May 27, 2010, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

6G-3 CRITERIA

1. As identified in section 6G-2, all land disturbing activities must meet the minimum standards of the local watershed management authority when the County deems the watershed regulations to be more stringent than County Ordinance.

2. For areas located within the Vermillion River Watershed Joint Powers Organization, the following specific standards will also apply:
- a. Resource Management Plans required under section 6A-3-1 must also analyze the 1-year storm peak discharge rates for existing and proposed conditions. The peak discharge rates from this event must not exceed the existing discharge rates from the project site.
 - b. Development that creates one acre or more of new impervious area must incorporate volume control practices into the design sufficient to prevent an increase in the runoff volume for the 2-year 24-hour storm above pre-development conditions. This condition may be waived for sites with predominately Type C and D soils, or where a shallow water table prevents construction of infiltration systems, provided the following conditions are met:
 - (1) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extent practical.
 - (2) Underdrains are used to promote filtration instead of infiltration
 - c. The stormwater volume credits identified in Section 6B-2.4.j are replaced with the stormwater volume credits identified in the Vermillion River Watershed Joint Powers Organization Standards, adopted May 27, 2010, as amended.
 - d. Projects located within the VRWJPO must also comply with the requirements identified in the VRWJPO Rules and with the buffer standards adjacent to major waterways as identified on Map 1, attached to the VRWJPO Rules, March 9, 2007, as amended. The buffer and conservation easements required are summarized in the following table:

Classification	Buffer Width Standard
Conservation Corridor	<p>Lower Reach (Vermillion River Downstream of Biscayne Avenue) – 150 foot average, 100 foot minimum measured from the edge of the meander belt of the river.</p> <p>Upper Reach (Vermillion River upstream of Biscayne Avenue and South Branch Vermillion River) – 150 foot average, 100</p>

	foot minimum, measured from the edge of the meander belt of the river.
Aquatic Corridor – Principal Connector	Required buffer width 100 foot average, 65 foot minimum measured from the edge of the meander belt of the river.
Aquatic Corridor – Principal Connector with Trout Stream Designation	100 foot, no averaging, as required by the General Permit to Discharge Stormwater Associated with Construction Activity under the National Pollution Discharge Elimination System/State Disposal System Program Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, August 1, 2003.
Aquatic Corridor – Tributary Connector	50-foot average, 35-foot minimum: plus 2 feet for every 1 percent of slope measured from the meander belt of the tributary.
Water Quality Corridor	30-foot average, 20-foot minimum where there is a flow path for concentrated surface runoff measured from the centerline of the flow path.

ARTICLE H. ILLICIT DISCHARGE AND CONNECTION

6H-1 PURPOSE

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Scott County through the regulation of non-storm water discharges to the urban or rural storm drainage system to the maximum extent practicable as required by state and federal law. This article establishes methods for controlling the introduction of pollutants into a municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this article are to regulate the contribution of pollutants to the MS4 by storm water discharges by any user; to prohibit illegal discharges and illicit connections to the MS4; and to establish legal authority to carry out all enforcement procedures necessary to ensure compliance with this ordinance.

6H-2 DEFINITIONS

For the purposes of this article, the following terms shall mean:

Illegal Discharge – Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 6H-4 of this article.

Illicit Connections – Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system.

Municipal Separate Storm Sewer System (MS4) – The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by MS4 Townships and the County Road system in the Urban Area as defined by the MPCA and designed or used for collecting or conveying storm water, and this is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit – A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Non-Storm Water Discharge – Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant – Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals; animal wastes, wastes or residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

6H-3 APPLICABILITY

This article applies to all water entering the storm drain system generated on any developed and undeveloped lands in the MS4 Townships and County Road system in the Urban Area as defined by the MPCA.

6H-4 PROHIBITION OF ILLEGAL DISCHARGES

1. No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.
2. The following discharges are exempt from prohibitions established in this section; water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration and pumped ground water, discharges from potable water sources, foundation drains, air conditions condensation, irrigation water, springs, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and discharges or flow from firefighting as necessary to protect public health and safety.
3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, wavier, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

6H-5 PROHOBITION OF ILLICIT CONNECTIONS

1. The construction, use, and maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. A person is considered in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
3. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system, the sanitary sewer system, or other authorized disposal system.

6H-6 VIOLATIONS AND ENFORCEMENT

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions and penalties outlined Chapter 2, Section 13 of this Zoning Ordinance.

In the event the violation constitutes an immediate danger to the public health or safety and declared a public health nuisance, the County shall abate the violation and the costs of abatement may be assessed against the property where the health nuisance is found.

Chapters Omitted

CHAPTER 10: MINING

10-1 RPOSE

The purpose of this Section is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.

10-2 ADMINISTRATION

1. Permit Review. An interim use permit shall be required for all mining operations. All existing operations shall obtain a permit within five (5) years following adoption of this Ordinance. The County Board may also require a performance bond or some other form of financial guarantee from the landowner to ensure that the conditions in this Section are met.
2. Portable asphalt and concrete mixing plants may be allowed without a public hearing before the Planning Advisory Commission in all applicable districts if an interim use permit is already approved for the gravel pit in which it will be located, the plant will provide material primarily for a public project, and providing the portable asphalt or concrete mixing plant is to be operated for a maximum two hundred forty (240) hours annually, unless an extension is approved.
3. The applicant shall apply to the Planning Department to locate a portable asphalt or concrete mixing plant in the gravel pit. Issuance of the permit requires a Township Board recommendation and approval of the County Board. Conditions of the permit shall consist of, but not be limited to, pollution control standards, hours of operation, setbacks, haul roads, area where plant is to be located, slopes, etc. Neighboring property owners within one-quarter (1/4) mile shall be notified of the County Board meeting at which the permit application will be considered.
4. Portable asphalt and concrete plants which operate more than two hundred forty (240) hours annually may be approved by the County Board through the issuance of a mining interim use permit in the A-1 Agricultural, A-3 Agricultural Cluster, and the RR-1 Rural Residential Reserve districts subject to the following standards:
 - a. The area approved for mining through the Interim use permit must encompass a minimum of forty (40) acres.

- b. The concrete plant or asphalt plant must be a minimum of 1/4 mile from a primary residential building other than the operators.
 - c. The concrete plant or asphalt plant must be a minimum of 1/2 mile from any RR-1C (Rural Residential Cluster), RR-2 (Rural Residential Single Family), RR-3 (Residential Suburban Single Family), UER-C (Urban Expansion Reserve Cluster), and UTR-C (Urban Transition Reserve Cluster) zoning districts.
 - d. The plant and equipment must be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.
 - e. Access roads to and from the mining site shall be paved. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.
 - f. All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.
 - g. Hours of operation for Asphalt and concrete plants shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday unless otherwise stipulated in the approved interim use permit based on noise, traffic and air control mitigation measures.
 - h. Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary sources of aggregate used in the plant.
5. Asphalt and concrete recycling facilities may be allowed as accessory uses in gravel pit with an approved Interim Use or Conditional Use Permit subject to the following standards:
- a. A Scott County Solid Waste License is issued for the facility (conditions may be placed on the license limiting volumes, stockpile height, stockpile location, crushing hours, or any other conditions the County or Township considers necessary to protect the interest of the surrounding area).
 - b. A bond or letter of credit is established to ensure the removal of stockpiled recycle material. The amount of the bond shall be established by the County based on the volume of material stored on-site.

- c. Processing of recycle material shall be done in compliance with section 10-4 of this Chapter.
 - d. The maximum volume of recycle material on any one site shall not exceed 30,000 cubic yards.
6. The operations covered by this Section shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.
7. For the purposes of this Chapter, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved “no loss” or “exemption” determination from the local government unit administering the Wetland Conservation Act.
8. **Renewal of Mining Interim Use Permits.** All property owners and residents within one quarter (1/4) mile of the mining operation shall be notified of a proposed mining interim use permit renewal request.
9. **Annual Certificate of Permit Compliance.** As a condition of any mining interim use permit, the property owner and/or applicant shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved interim use permit, progress on restoration plans, and related conditions. Said compliance information shall be submitted thirty (30) days prior to the anticipated opening date of the mine each spring. The Planning Department shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved interim use permit and financial guarantee or bonding are adequate to complete the restoration. The certification shall be completed before mining begins. Failure to submit the annual compliance information or violations of the interim use permit may be grounds for revocation of the interim use permit.

10-3 RMATION REQUIRED

The following information shall be provided by the person or agency requesting the permit:

1. Name and address of person or agency requesting the mining permit.

2. The legal property description and acreage of area to be mined.
3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.

Map A - Existing conditions to include:

- a. Contour map (two (2) foot intervals).
- b. Existing vegetation.
- c. Wetlands and existing surface water drainage patterns.
- d. Existing structures.
- e. Existing wells.

Map B - Proposed Operations to include:

- a. Structures to be erected.
- b. Location of sites to be mined showing depth of proposed excavation.
- c. Location of machinery to be used in the mining operation.
- d. Location of storage of mined materials, showing maximum height of storage deposits.
- e. Location of vehicle parking, access roads and local routes to truck routes.
- f. Location of storage of explosives.
- g. Staging of mining activity.
- h. Resource management plan.

Map C - End Use Plan to include:

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
- b. Location and species of vegetation to be replanted.
- c. Reclamation staging plan.
- d. Proposed land use and development plan.

4. A plan for dust and noise control.
5. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for reclamation.
6. Any other information requested by the Planning Department, Planning Advisory Commission and County Board.

10-4 PERFORMANCE STANDARDS

For mining operations approved after the date of adoption of this Ordinance:

1. **General Provisions.** Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in a manner to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.
2. **Water Resources.** The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.
3. **Safety Fencing.** Safety fencing may be required around all or portions of the mining operation at the discretion of the County.
4. **Mining Access Roads.** The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the Planning Department.
5. **Screening Barrier.** To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall be planted with a species of fast growing trees. The tree species must be approved by the Planning Department.
6. **Setback.** Processing of minerals including recycle materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential structures.
 - a. Mining operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.
 - b. Mining operations shall not be conducted closer than thirty (30) feet to any property line, or within thirty (30) feet of the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall be in conformance with the site plan.

7. Appearance. All buildings, structures and equipment used for the production or processing of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and equipment will not become dilapidated.
8. Hours of Operation. All hours of operation shall be set in the interim use permit as approved by the County.
9. Access Roads. All access roads from mining operations to public highways, roads or streets or to adjoining property, shall be paved or otherwise maintained to control dust.
10. Mining Operations Within the Shoreland District. Mining and processing operations shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs. This distance does not apply to water pumps needed for mining operations. However, appropriation of water shall require a permit from the Department of Natural Resources, Division of Waters, if necessary.

10-5 LAND RECLAMATION

All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. An extension may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Security acceptable to the County shall be required. Such extension may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.
2. The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed twenty (20) percent grade.

3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or four (4) acres, whichever is less. Once these areas have been depleted of the mine deposit they shall be sloped and seeded in compliance with the end use plan.
4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.
5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.
6. The above standards may be modified to provide for unique conditions.

Chapters Omitted

CHAPTER 16: LAND USE DESCRIPTIONS AND STANDARD

16-1 RPOSE

The purpose of this Chapter is to list (in alphabetical order as it appears on Table 20-4, define, and provide regulations specific to land uses allowed, whether permitted, administrative, interim, conditional or accessory, in one or more zoning districts. In many cases, one or more regulations related to a specific land use are then provided. The standards in this Chapter shall apply in addition to all other applicable regulations of this Ordinance. This Chapter also provides standards for open space outlots and natural area conservation easements.

16-2 ALLOWED USES, DEFINITIONS, AND STANDARDS

1. Accessory Dwelling Unit, as defined in Chapter 1 and regulated by Chapter 7 of this Ordinance.
2. Agricultural Building - A structure designed and constructed to house farm implements, hay, grain, other horticultural products, poultry, or livestock, excluding equine. This structure shall not be a place of human habitation, nor shall it be a place used by the public. The structure may be used as a place where principal agricultural products grown on site are processed, treated or packaged, but not on a large industrial scale.
3. Agricultural Use - The use of land for the growing and/or production, wholesale or seasonal-share distribution, and/or temporary on-site sale of value-added agricultural products, field crops, livestock, and livestock products for the production of income or own use, including but not limited to the following:
 - a. Field crops, including but not limited to, barley, beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
 - b. Livestock, including but not limited to, dairy and beef cattle, goats, sheep, hogs, poultry, game birds and other animals including deer, rabbits and mink.
 - c. Livestock and dairy products, including but not limited to, milk, butter, cheese, eggs, meat, fur and honey.
 - d. Poultry and poultry products
 - e. Trees, shrubs, bushes, and plants for wholesale distribution.
 - f. Sod farming.

- g. Orchards, flowers, fruits and vegetables.
 - h. Agricultural seed sales.
 - i. Temporary roadside stand for sale of in-season agricultural products or value-added agricultural products planted and completely grown on the premises, including seasonal “u-pick” sites and community supported agriculture (CSA) operations.
4. Agricultural Machine Shop - The use of a structure, including but not limited to, the repairing, machining, welding or sheet metal work of an agriculturally related machine or component. This does not include the sale of new or used components and machines.
5. Agricultural Tourism – Activities conducted for profit, year round on a regular basis, on and accessory to a working farm and offered to the public or to invited groups for the purpose of visitation, recreation, education, enjoyment or active involvement in the farm operation. Activities held year round and on a regular basis can include, but not limited to, farm stays, farm tours, hayrides, pony rides, petting zoos, and educational events. (It does not include Farm Wineries and Vineyards, which is listed as a separate use in this Chapter)
- a. The parcel on which the agricultural tourism use is located shall be at least twenty (20) acres in size and be actively farmed.
 - b. The owner or operator of the agricultural tourism use shall be the same person or family member that owns and homesteads the property on which the use is located.
 - c. The site shall be accessed by a hard surfaced road unless access via a gravel road is approved by the local road authority.
 - d. On-site parking shall be provided in conformance with Chapter 5 in the Zoning Ordinance.
 - e. An Individual Sewage Treatment System (ISTS) shall be provided for the use that complies with the Scott County ISTS Ordinance No. 4
 - f. All buildings used in conjunction with the use shall meet the requirements of the State Building Code
 - g. Any outdoor lighting shall comply with Chapter 4 of the Zoning Ordinance
 - h. Hours of operation shall be set as conditions by the County.

- i. All non-agricultural equipment and vehicles associated with the use shall be stored within an enclosed structure, except in agricultural zoning districts where outdoor storage may be allowed under Chapter 8.
 - j. All signage shall comply with Chapter 11 of the Zoning Ordinance.
 - k. Additional conditions may be imposed by Staff, the Township, the Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.
6. Animal Hospital – a place where animals or pets are given medical or surgical treatment by a licensed veterinarian. In the C-1, General Commercial Zoning District an animal kennel can be permitted as a use accessory to the animal hospital provided that:
- a. The number of animals boarded shall not exceed twenty (25).
 - b. Animal exercise areas (indoor or outdoor) may be allowed through the Conditional Use Permit. All exercise areas must meet required property line setbacks. Screening may be required for dog exercise areas or for exercise areas immediately adjacent to an existing residential use.
 - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty and seventy-five (60 - 75) degrees Fahrenheit.
 - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
 - e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
 - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
 - g. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
7. Animal Shelter – A facility that houses homeless, lost, abandoned, or unwanted animals and that is operated or maintained by an entity including, but not limited to,

a humane society, animal welfare organization, or any other organization operating for the purposes of finding permanent adoptive homes for animals.

- a. The site and facility shall be in compliance with the district performance standards of the C-1, General Commercial Zoning District and the commercial building standards in Chapter 4 of this Ordinance.
- b. An exercise area shall be provided to accommodate the periodic exercising of animals at the shelter. An outdoor exercise area shall be fenced and hours of use for the outdoor exercise area will be set through the CUP. An outdoor exercise area shall be set back at least one hundred fifty (150) feet from any residence or residential zoning district boundary, whichever is greater, existing on the approval date of the CUP.
- c. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
- d. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
- e. A disposal plan for animal waste that describes how waste will be handled, stored, and disposed of for the maximum number of animals at the facility shall be approved by staff.
- f. The kennel structure shall be designed to the construction methods and specifications necessary to minimize any noise, odors, or other issues related to the use.
- g. The operator shall submit an emergency response plan to safeguard people and animals in case of an emergency. The building shall be fitted with smoke and carbon monoxide detectors and fire extinguishers.
- h. The maximum number of animals boarded at the shelter facility shall be set in the CUP through the review of the site plan, building plan, and adjacent land uses. The building plan, drawn to scale, shall show the dimensions for the animal confinement area, isolation/quarantine area, examination area, office area, training area, and storage/equipment area. The maximum number of dogs boarded in the shelter facility shall not exceed one hundred (100). A shelter can exceed this number of dogs if set higher through the review and evaluation of the CUP.
- i. The animal shelter shall comply with all federal, state, and local regulations. The operator shall provide a copy of the state's annual kennel inspection report each year to the Planning Department.

8. Auction house, flea market – the use of a building or land for the storage and auction or sale on premise of new and/or used goods, generally on a limited or temporary basis.
9. Auto, farm implements, heavy equipment, truck and recreational vehicle sales, rental and/or service. Outdoor sales/rental lot provided:
 - a. Sales area is delineated with a paved surface. No sales display or storage shall occur outside the delineated sales area.
 - b. Sales lot must be accompanied with a building having a minimum floor area of one thousand (1,000) square feet.
 - c. All lighting must comply with Chapter 4 of this Ordinance.
 - d. All sales items shall meet the off-street parking setbacks of Chapter 5 of this Ordinance.
 - e. The sales lots shall be landscaped in accordance with Chapter 4 of this Ordinance.
10. Auto, truck major repair, body shop - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting services performed on licensed vehicles.
11. Bed & Breakfast Establishment - A business in a residential structure in which lodging and meals are provided for compensation and which is open to the traveling public, as regulated by Chapter 7 of this Ordinance.
12. Billboards and advertising signs, as regulated by Chapter 11 of this Ordinance.
13. Boarding or renting of rooms to not more than four (4) individuals per principal single family dwelling sharing common facilities for living, cooking, and eating.
14. Cemetery
15. Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
16. Commercial accessory buildings -
 - a. Buildings not exceeding thirty (30) percent of the gross floor space of a principal building are allowed through an administrative permit.

- b. Commercial accessory buildings larger than thirty (30) percent of the gross floor space of the principal building are allowed through a conditional use permit provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.
 - c. Accessory buildings shall not exceed the height of the principal building.
- 17. Commercial Bulk Liquid Storage – Liquid storage in containers with a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.
- 18. Commercial Freestanding Satellite Dishes – Commercial freestanding satellite dishes may be allowed as permitted uses as an Administrative Use in the Commercial and Industrial Zoning Districts, and as a conditional use in the Agricultural Zoning Districts subject to the following requirements:
 - a. Accessory equipment associated with a commercial freestanding satellite dish shall be located within the principal building or within an enclosure which is constructed of materials and color scheme compatible with the principal building.
 - b. Commercial freestanding satellite dishes and any accessory equipment enclosures shall meet the setback requirements for accessory structures within the zoning district they are to be located.
 - c. No commercial freestanding satellite dishes and accessory equipment enclosures shall be located within any utility or drainage easement.
- 19. Commercial Livestock Experiment Station
- 20. Commercial Nursery or Greenhouse - A business growing and selling trees, flowering, decorative and/or edible plants which may be conducted in or outside a building.
- 21. Concrete mixing plant.
- 22. Contractor Yard – A site used for storage of equipment and supplies used by a contractor in operation of the business.
- 23. Convenience Store-Gas Sales Station - An establishment whose principal business includes the sale of foods and grocery items, and the sale of gas and oil products from service islands. These establishments do not offer automobile repair services such as mechanical work on engines or auto body work.

- a. Pump islands and canopies shall be set back a minimum of fifty (50) feet from public road rights-of-way.
 - b. When adjacent to residential property, there shall be a landscape screen in accordance with Chapter 4 of this Ordinance.
 - c. All areas utilized for the storage of solid waste trash, debris, and similar items shall be fully screened from adjacent properties and public roads. All structures and grounds shall be maintained in an orderly, clean, and safe manner.
 - d. The storage/display of items for sale outside the building shall be displayed in specially designated racks and containers and be limited to areas as determined by the conditional use permit.
 - e. The convenience store-gas station shall comply with all Local County, State, and Federal licensing regulations.
 - f. All exterior lighting is to be directed so as not to cast glare toward or onto the public right-of-way or adjacent properties in accordance with Chapter 4 of this Ordinance.
 - g. Business activities not listed in the definition of motor vehicle service stations in this Ordinance and not incidental to the business are not permitted on the premises of a motor vehicle service station unless a conditional use permit or license is obtained specifically for such business. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales and restaurant.
24. Daycare Center- Any State licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "non-residential programs" as defined by Minnesota Statutes, Section 245A.02, Subdivision 10.
25. Daycare, In Home – A day care service which takes place in, and is an accessory use in a principal single family detached dwelling that is occupied by the owner or operator of the service, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or development guidance on a regular basis, for periods of less than twenty-four (24) hours per day, and serves twelve (12) or fewer persons.

26. Drainage Systems/Flood Control
27. Essential Services (Governmental uses, buildings, and storage) - Governmental services such as office buildings, garages, temporary open space, open storage when not a principal use, fire/police stations, solid waste facilities, household hazardous waste facilities, recreational areas, training centers, correctional facilities or other essential uses proposed by federal, state, local, special districts and school districts, except that schools shall not be permitted under this provision.
28. Essential Services (Infrastructure) - Underground or overhead electrical, gas, steam or water distribution systems, collection, communications, supply or disposal system, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories; but not including buildings or transmission services.
29. Essential Services (Transmission/Utilities/Substations) - Transmission service such as electrical power lines of a voltage of 35 KV or greater, or bulk gas or fuel being transferred from station to station and not intended for enroute consumption or other similar equipment and accessories. Includes substations and utility structures. The following standards shall apply to all utility structures and substations:
 - a. Utility buildings and structures such as substations shall be located not less than fifty (50) feet from any property line.
 - b. An operations plan shall be submitted which, when approved, will become part of the Conditional Use Permit.
 - c. Building exteriors and landscaping shall be consistent with required building exterior and landscaping standards identified in Chapter 4 of this Ordinance.
 - d. The facility shall be fenced to prevent a public hazard, and adequate access and onsite parking must be provided.
 - e. A deed restriction must be recorded on the parcel stating no other use other than a utility use is permitted.
 - f. Lots created for utility services and equipment may be exempted from the zoning district minimum lot performance standards.
30. Fair & Fairgrounds - Public or private event that includes all of the following: exhibitions, buying and selling of goods, competitions, games, and entertainment, and provided all traffic, noise, screening, and development/use compatibility issues are addressed. The site where the fair is held shall be designated the fairgrounds.

31. Farm Equipment Sales (excluding individual farm auctions).
32. Farm Market – The sale of agricultural products or value-added agricultural products year-round directly to the consumer from a site on a working farm.
 - a. The owner or operator of the farm market shall be the same person or family member that owns and homesteads the property on which the use is located.
 - b. A minimum of fifty-one (51) percent of the product or value-added product for sale in the farm market shall be agricultural and grown or produced on the farm site.
 - c. The market shall be accessed by a hard surfaced road unless access via a gravel road is approved by the local road authority.
 - d. On-site parking shall be provided in conformance with Chapter 5 in the Zoning Ordinance.
 - e. An Individual Sewage Treatment System (ISTS) shall be provided for the use that complies with the Scott County ISTS Ordinance No. 4
 - f. All buildings used in conjunction with the use shall meet the requirements of the State Building Code
 - g. Hours of operation shall be set as conditions by the County.
 - h. All signage shall comply with Chapter 11 of the Zoning Ordinance.
 - i. Additional conditions may be imposed by the Staff, Township, Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.
33. Farm Wineries and Vineyards – A farm property that grows fruits, produces and sells wine on-site.
 - a. The minimum lot size for each winery and vineyard shall be 20 acres.
 - b. A minimum of fifty-one (51) percent of the fresh fruits or agricultural products used in the farm winery for the production of wine shall be grown or produced on the farm.
 - c. No commercial kitchen shall be allowed on the site and no food preparation shall be allowed on site.

- d. The area designated for wine tasting and sales shall not exceed twenty (20) percent of the total gross floor area of the principal building used for processing of wine products at the farm winery.
- e. Special events shall be permitted up to five (5) times per year. For the purposes of this section, a special event is one conducted at a farm winery on a single day for which attendance is not expected to exceed one-hundred fifty (150) persons. Special events must be related to the making and marketing of wine and/or agricultural products and do not include conferences, wedding receptions, private parties or similar events.
- f. All building used in conjunction with the farm winery shall meet the requirement of the State Building Code.
- g. The site shall be accessed by a hard surfaced road unless access via a gravel road is approved by the road authority.
- h. All signage shall comply with Chapter 11 in the Zoning Ordinance.
- i. On-site parking shall be provided in conformance with Chapter 5 in the Zoning Ordinance.
- j. An individual Sewage Treatment system shall be provided for the farm winery that complies with the Scott County Individual Sewage Treatment Ordinance No. 4.
- k. All winery structures, tasting room, and outdoor use areas shall be a minimum of 100 feet from all property lines.
- l. Hours of operation shall be set by the County.
- m. With any Conditional Use Permit application additional conditions may be imposed by the Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.

34. Feed mills.

35. Feedlot – A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

New Feedlot – A feedlot constructed and operated at a site where no feedlot existed previously or where a pre-existing feedlot has been abandoned or unused

for a period of one (1) year.

All feedlots are regulated by Chapter 9 of this Ordinance.

36. Fences – Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, or within the required yard setback, as regulated by Chapter 4 of this Ordinance.
37. Fish and Frog Farm/Hatchery.
38. Forest and Game Management Area.
39. Freight transportation terminal – A building or area in which freight brought by a motor truck is transferred and/or stored for movement by truck.
40. Golf Courses/Driving Ranges.
41. Grading, as regulated by Chapter 6 of this Ordinance.
42. Grain terminal.
43. Group Care Facility - A facility licensed by the State of Minnesota to provide 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a patient's own home.
44. Home Extended Business - An occupation or profession engaged in by the occupant of a dwelling unit, within said dwelling unit or accessory structure, which involves the storage of a limited amount of vehicles and equipment; repair, service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. The proposed activity shall be clearly incidental and secondary to the residential use of the premises, and shall only include the sale of merchandise incidental to the Home Extended Business. As regulated by Chapter 8 of this Ordinance.
45. Home Occupation - An occupation or profession engaged in by the occupant of a dwelling, which is clearly secondary to the principal use, when carried on within the dwelling unit and not in an accessory building, and which shows no activity other than activity normally present in a residential dwelling unit. As regulated by Chapter 8 of this Ordinance.
46. Indoor commercial recreation such as bowling, billiards, and skating rinks.
47. Indoor storage space or garage rental.
48. Industrial accessory buildings and structures -

- a. Buildings not exceeding fifty (50) percent of the gross floor space of a principal building are allowed through an administrative permit.
 - b. Industrial accessory buildings larger than fifty (50) percent of the gross floor space of the principal building are allowed through a conditional use permit provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.
 - c. Accessory buildings shall not exceed the height of the principal building.
49. Information center associated with a residential development – An Information Center may be allowed in a residential development containing at least thirty (30) residential lots in a final plat upon the issuance of an Administrative Permit subject to the following conditions:
- a. The building shall be limited to one-story with no basement.
 - b. Maximum building size is 1,000 square feet.
 - c. A Building Permit Application shall be submitted and building permit obtained. Structural plans for the proposed and future (if proposed to be converted to an accessory structure after construction of a principal structure) usage shall be submitted. The plans shall state the building exterior type. The building shall have handicapped accessibility (entrance, route, and bathroom). If conversion to a residential accessory structure is intended, the exterior shall be of the same material and color of the residence.
 - d. The exterior of the building shall be compatible with the structures on adjacent parcels.
 - e. The driveway and parking area shall be paved.
 - f. A landscaping plan for the building shall be submitted for staff review and approval.
 - g. The septic sites on the residential lot shall be protected. A Septic Permit for a holding tank with a pumping agreement may be allowed for the Informational Center.
 - h. A letter of credit shall be filed for the estimated cost of the building conversion, demolition, or removal.
 - i. The duration of the Administrative Permit shall be for a maximum of three (3) years, unless extended by the County.

- j. Said Administrative Permit shall be recorded with the Scott County Recorder's Office.
- 50. Kennels (serving 5 to 25 dogs) - Any structure or premises, private or public, in which five (5) or more dogs over four (4) months of age are boarded, bred, trained, or offered for sale.
- 51. Large assemblies, as regulated by Chapter 15 of this Ordinance.
- 52. Limited Livestock Raising – The confining, breeding, or raising of animals provided the animal density does not exceed the thresholds under Section 9-2-3. This activity is subject to regulation on parcels less than 40 acres or one quarter/quarter section in size. Livestock raising is regulated by Chapter 9 of this Ordinance.
- 53. Lumber yard and landscape supply.
- 54. Manufacturing, processing, packaging, or assembly of products and materials.
- 55. Mining - The extraction of sand, gravel, rock, black dirt, peat, soil and other material from the land and the removal thereof from the site as regulated by Chapter 10 of this Ordinance.
- 56. Mobile home for family member, as regulated by Chapter 7 of this Ordinance.
- 57. Mobile home for full time farm employment, as regulated by Chapter 7 of this Ordinance.
- 58. Mobile home while building a home, as regulated by Chapter 7 of this Ordinance.
- 59. Motor vehicle fuel sales and service station – A building or any portion thereof designed primarily for the supplying of motor fuel, oil, lubrications, and accessories for use in motor vehicles including installation and minor incidental services provided that:
 - a. Pump islands and canopies shall be set back a minimum of fifty (50) feet from public road rights-of-way.
 - b. When adjacent to residential property, there shall be a landscape screen in accordance with Chapter 4 of this Ordinance.
 - c. All areas utilized for the storage of solid waste trash, debris, discarded parts, used tires or batteries, and similar items shall be fully screened from adjacent properties and public roads. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

- d. The storage/display of tires, batteries, and other such items for sale outside the building shall be displayed in specially designated racks and containers and be limited to areas as determined by the conditional use permit.
 - e. The motor vehicle service station shall comply with all Local County, State, and Federal licensing regulations.
 - f. All exterior lighting is to be directed so as not to cast glare toward or onto the public right-of-way or adjacent properties in accordance with Chapter 4 of this Ordinance.
 - g. Business activities not listed in the definition of motor vehicle service stations in this Ordinance and not incidental to the business are not permitted on the premises of a motor vehicle service station unless a conditional use permit or license is obtained specifically for such business. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales and restaurant.
 - h. Gas pumps located at and as part of other types of business establishments shall require a conditional use permit.
60. Offices and professional buildings.
61. On-site loading and parking, as regulated by Chapter 5 of this Ordinance.
62. Open outdoor sales, rental or display area - Any land used or occupied for the purpose of buying and selling goods, materials, or merchandise and/or for the storing of same under the open sky prior to sale. These sales, rental, or display areas shall be allowed as an accessory use in association with an allowed principal use provided that:
- a. The area so occupied shall not exceed thirty (30) percent of the principal building.
 - b. No storage or display of merchandise shall be permitted in required rear, side, or front yards.
 - c. The outdoor sales, rental, or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 4 of this Ordinance, except as may be exempted for cause by the Planning Department.
63. Outdoor Commercial Recreational Use – Limited to day-parks, shooting and hunting clubs, archery ranges, and skating rinks.

64. Outdoor parking of semi-tractor trailers.
65. Outdoor storage within the industrial districts shall be an allowed accessory use under the following conditions:
 - a. The outdoor storage area occupies space other than a required front yard setback.
 - b. The outdoor storage area shall be fenced, screened and/or landscaped according to a plan in compliance with Chapter 4 of this Ordinance and subject to the approval of the Planning Department.
 - c. Subject to the approval of the Planning Department, the outdoor storage area is surfaced with crushed rock, crushed concrete, Class V, asphalt, or concrete paving or other similar materials approved by the County Planning Department to control surface dust.
 - d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Chapter 4 of this Ordinance.
 - e. The outdoor storage area shall not encroach upon required parking space or required loading space as required by this Ordinance.
 - f. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a rural residential, residential suburban or urban expansion district.
66. Paintball Ranges – A field or property on which players use compressed-gas powered guns to fire pellets containing paint “paintballs” at opposing players. Paintball ranges usually consist of several fields of play within a single complex or property. The fields generally have staging and spectator areas separated from the playing field by netting or other physical barriers.
 - a. The minimum lot size for each outdoor paintball range shall be 10 acres.
 - b. A minimum 20-foot buffer zone between the property line of the outdoor paintball range and the playing, staging, and spectator areas shall be maintained.
 - c. A minimum 12-foot high, nylon mesh screen or other barrier shall be installed to separate the playing areas from the 20 foot buffer zone. This screen shall be anchored at the bottom and secure by a non-stretchable cable at the top and bottom. If a nylon mesh screen is not incorporated into fencing, a 200-

foot buffer zone between the property lines and the playing areas shall be maintained unless other agreements exist with adjacent landowners.

- d. No outdoor lighting shall be allowed other than for building access, parking area, driveway and signage. Nighttime use of a paintball range may be permitted if in the opinion of the Planning Advisory Commission such use will not be disruptive to the surrounding area. In these cases, playing, staging, and spectator areas will be required to be lighted per Chapter 4 of this Ordinance.
 - e. Only non-toxic paintballs shall be used at the paintball facility.
 - f. A description on the procedures for storage, maintenance and use of CO₂ and other compressed air fuel stations. No long-term outside storage of CO₂ and other compressed air fuel equipment shall be allowed.
 - g. The outdoor paintball range operator shall carry field liability insurance and a copy of the insurance shall be filed with the Planning Department.
 - h. Any vehicles brought onto the range for use as props shall require prior approval by the Planning Department and the applicant shall submit a surety, at a type and amount determined by the Planning Department, to insure the vehicles are removed when the conditional/interim use permit is expired or terminated.
 - i. Off-street parking shall be provided per the requirements of Chapter 5 of this Ordinance.
67. Park & Ride Facility - A surfaced parking area utilized as a congregating location where persons can leave their personal vehicle while participating in a private or public "car-pool" or other mass transit operation.
68. Play & Recreational Facilities – Only accessory to an existing principal permitted use on the same lot and that are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
69. Portable concrete and asphalt mixing plants.
70. Private Airport or Heliport - Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and for appurtenant land or structures used or intended for use for port buildings or other port structures.
71. Private Campground – Overnight primitive, independent and dependent camping activities.

72. Private Day Park - Day recreational activities which do not include overnight camping of any type.
73. Private Garages – An accessory structure or accessory portion of the principal structure that is intended for and used to store personal vehicles.
74. Private Horse Riding Arena, as regulated by Chapter 9 of this Ordinance.
75. Private Stable – A place where equine are kept for personal use or a place where 3 or less equine are boarded belonging to a person other than the owner or occupant of the property for the private use of the owner of the horse being boarded, as regulated by Chapter 9 of this Ordinance.
76. Properties with more than one (1) principal structure provided that:
 - a. The property shall have a properly designed and sized private well and independent sewage treatment system to accommodate multiple principal structures.
 - b. Off-street parking and loading shall comply with the performance standards of Chapter 5 of this Ordinance.
 - c. The site shall be under single private ownership. The property owner shall be responsible for site operations and maintenance.
 - d. All buildings must meet the industrial building type and construction standards of Chapter 4 of this Ordinance.
 - e. Any change of building occupancy or use may be grounds for conditional use permit review to determine if the site remains in compliance with the performance standards of this Ordinance.
77. Public Park, Campground, Recreation Areas, and Historic Monuments.
78. Public Stable - A place (contiguous property) where equine are kept for use by the public, which shall include, but not be limited to, riding academies, rental, auction houses, boarding, breeding, training and conditioning as regulated by Chapter 9 of this Ordinance.
79. Railroad Right-of-Way.
80. Railroad Yard.
81. Recycling Center.

82. Residential Care Facility serving six (6) or fewer persons in a single family detached dwelling.
83. Residential Care Facility not exempted by State Statutes.
84. Restaurants including fast food and drinking establishments.
85. Retail commercial establishment to include, but not limited to:
 - a. Retail establishments such as grocery, hardware, drug, clothing, and furniture stores, convenience store and on-sale liquor establishments.
 - b. Personal services such as laundry, barber, shoe repair shop, and photography studios.
 - c. Professional services such as medical and dental clinics, architects and attorneys offices.
 - d. Repair services such as jewelry and radio and television repair shops.
 - e. Finance, insurance and real estate services.
86. Recreational vehicle and equipment parking and storage for private use of the property owner/occupant.
87. Sales, rental, or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:
 - a. The area so occupied shall not exceed thirty (30) percent of the principal building.
 - b. No storage or display of merchandise shall be permitted in required rear, side or front yard setbacks.
 - c. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 4 of this Ordinance, except as may be exempted for cause by the Planning Department.
88. Salvage Yard - A lot, yard and/or building where vehicles or remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, and/or storage, or where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags,

rubber, tires, and bottles. This definition does not include licensed sanitary or demolition landfills.

89. Sanitary or demolition landfill.
90. Satellite dishes and antennas.
91. School and School Facilities serving fewer than 150 students.
92. Security Structure – A structure for security purposes accessory to the principal use of the site provided the structure complies with all applicable building and fire codes.
93. Sexually Oriented Uses, as regulated by Chapter 14 of this Ordinance.
94. Signs - Any letters, words, figures, design, symbol, trademark, or numbers, illuminated or non-illuminated, which is intended to attract attention to any place, business, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is painted, printed, or constructed and displayed in any manner visible to the general public out of doors for recognized advertising purposes, as regulated by Chapter 11 of this Ordinance.
 - a. Advertising/Billboard - A sign which directs attention to a business, or to a commodity, service, or entertainment sold or offered at a location other than the premises where the sign is located.
 - b. Business/Industrial - A sign which directs attention to a business or profession, or to a commodity, service or entertainment sold or offered upon the premises where the sign is located.
 - c. Construction - A sign placed at a construction site identifying the project, or the name of the architect, engineer, contractor, or other involved parties.
 - d. Directory - A sign or group of signs attached to a building or free standing which identifies the business, owner, address or occupation of a group of businesses but contains no advertising.
 - e. Dynamic Display - Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing,

blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

- f. Free Standing - A self-supported sign not affixed to another structure.
- g. Government - A sign which is erected by a governmental unit.
- h. Illuminated - Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- i. Integral - A sign carrying the name of a building, date of erection, citations, commemorative tablets or the like carved in stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- j. Monument Sign - Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and solid from the grade to the top of the sign. The sign structure is typically encased or supported by masonry materials.
- k. Nameplate - A sign which states the name or address, or both, of an occupant or business on the lot where the sign is located.
- l. Portable - A sign so designed as to be moveable from one location to another and which is not permanently attached to the ground or any structure.
- m. Real Estate - A sign placed upon a property advertising that particular property for sale, rent or lease.
- n. Temporary or Seasonal - A sign placed on a lot or parcel of land for a period not to exceed ten (10) days out of any twelve (12) month period.

95. Single Family Detached Dwellings.

96. Solid and hazardous waste transfer station.

97. Solid waste processing facility.

98. Swimming pools – Any structure intended for swimming or recreational bathing that contains water over 24 inches deep shall require a building permit and shall be subject to the following requirements and standards:

- a. Outdoor swimming pools shall be set back a minimum of ten (10) feet from any property line, and on a corner lot shall be set back a minimum of fifteen (15) feet from the side yard street property line. Any associated pool patio, walkway, ground level deck, or other associated improved space shall be located a minimum of five (5) feet from any property line. No swimming pool shall be located within a required front yard area or within any recorded easement.
 - b. All outdoor swimming pools shall comply with the International Building Code (IBC) for pool barrier requirements.
 - c. A swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure shall be considered an indoor pool and shall be required to meet required structure setbacks.
99. Temporary, outdoor promotional events and sales provided that:
- a. The event shall not exceed fourteen (14) consecutive calendar days.
 - b. No more than three (3) events per calendar year per site.
 - c. A certificate of insurance may be required as part of the administrative permit.
100. Temporary structures provided that:
- a. The temporary structure may be utilized for not more than thirty (30) consecutive calendar days.
 - b. Temporary structures may be used for three (3) events during a calendar year.
 - c. A certificate of insurance may be required as part of the administrative permit.
101. Towers less than 35 feet in height for private use.
102. Truck Stop - A motor fuel station devoted principally to the needs of semi-tractor/trailer units and trucks, and which may include eating and/or sleeping facilities, but not to include a motel or a hotel.
103. Warehousing.
104. Wholesaling.
105. Wind Energy Conversion Systems - Any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of useable energy, as

regulated by Chapter 12 of this Ordinance.

106. Wireless communication towers and antennas as regulated by Chapter 13 of this Ordinance.

107. Wireless communication antennas and related accessory buildings located upon a public or quasi-public structure or existing tower as regulated by Chapter 13 of this Ordinance.

108. Yard and tree waste composting site.

16-3 OPEN SPACE OUTLOTS

This section includes standards and requirements for the four types of open space outlots that can be designated through the land development process: Future Development, Recreation, Natural Area, and Agriculture.

1. Future Development Outlots:

- a. The minimum acreage of buildable land required for Future Development outlots is established under the open space performance standards in all applicable cluster zoning districts.
- b. The following uses are permitted in designated Future Development outlots in the UER-C and UTR-C zoning districts: agricultural uses, pastures, trails, community gardens, informal turf play areas, orchards, domestic sewage disposal systems under an approved OSD or PUD.
- c. The following uses are permitted in designated Future Development outlots in the RR-1C and RR-2 zoning districts: agricultural uses, pastures, private stables, trails, community gardens, informal turf play areas, orchards, domestic sewage disposal systems under and approved OSD or PUD. In addition, accessory buildings are permitted under the following conditions:
 - (1) The outlot must be owned in common with the adjacent lot.
 - (2) The accessory building on the outlot shall be located no farther than 100 feet from the principal home on the adjacent lot.
 - (3) The maximum size and height of the accessory building on the outlot shall conform to the adjacent lot's size and height requirements.
 - (4) The accessory building shall be used for personal storage only.
- d. Future Development outlots may be owned by an individual or in common. If owned in common, management of the outlot shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) outlot of open space is held in common ownership, a homeowner association

shall be established for that subdivision. Membership in the association by all property owners in the subdivision shall be mandatory.

- e. Open space easements or deed restrictions shall not limit or prevent the ability to develop Future Development outlots when urban services are available or the Comprehensive Plan supports further development.
- f. Deed restrictions shall be placed on all newly created cluster lots informing the potential buyer that the adjoining Future Development outlot is intended for future urban development when public utilities become available or future rural development when rezoning occurs.
- g. The location of Future Development outlots should be related to the residential cluster subdivision in a manner that best represents a logical expansion of the development pattern, extension of streets, utilities and other support infrastructure.
- h. A build out plan (ghost plat) shall be required for all Future Development outlots describing and illustrating how the interim rural cluster development will be integrated with future development. The build out plan shall include and illustrate:
 - (1) How the Future Development outlot(s) will be subdivided into urban residential lots in the future if in urban expansion or urban transition areas; or into rural lots in rural residential areas.
 - (2) How the interim rural residential lots could be re-subdivided into urban residential lots in the future, if in urban expansion or urban transition areas.
 - (3) The layout of future streets or extensions.
 - (4) Easements for the extension of utilities and stormwater management.
 - (5) Provide information on agreements, escrow accounts, subordinate service districts, or other funding mechanisms to cover the future costs for converting the interim rural development to an ultimate urban development if in urban expansion or urban transition areas.
 - (6) For Future Development outlots in urban expansion or transition areas, the build out plan shall conform to the land use densities established in the nearest city's comprehensive plan. If a land use category is not defined, the build out plan shall demonstrate an overall density of three (3) units per acre for the entire parcel.

2. Recreation Outlots.

- a. The location and amount of land designated as Recreation outlots shall be established through the land development review and approval process.
- b. Recreation outlots shall be located such that they are an integral part of the neighborhood, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, trails, or other recreational areas.
- c. Recreation outlots intended as public parks or public trails shall be deeded to the County or Township. Management and maintenance of the public Recreation outlots shall be the responsibility of the County or Township. Private Recreation outlots intended to serve only the residents of the neighborhood shall be under common ownership of a homeowners association. Management and maintenance of private Recreation outlots shall be the responsibility of the homeowners association.

3. Natural Areas Outlots:

- a. The location and amount of land designated as Natural Area outlots shall be established through the land development review and approval process.
- b. Natural Area outlots are intended to provide permanent protection of unique natural resources and wildlife habitat land located within Natural Area Corridors as defined in the Comprehensive Plan. Conservation easements are required to ensure development of the land is restricted and long-term maintenance and monitoring is enforced as established in Section 16-4.

4. Agricultural Outlots.

- a. The location and size of an Agricultural outlot shall be established through the land development review and approval process.
- b. The following uses are permitted in designated Agricultural outlots: agricultural uses, orchards, storm water management areas.
- c. Agricultural outlots are intended to provide long-term farmland use until future development options are available.

5. Homeowners Associations: A homeowners association shall be established for the purpose of maintaining any commonly-owned land or facilities. Membership in the association is mandatory for all purchasers of homes in the development and their successors. A homeowners association agreement, guaranteeing continuing maintenance shall be submitted to the County as part of the application submittals required for land development approval. The homeowners association documents or the declaration of covenants, conditions and restrictions shall contain the following information:
 - a. The legal description of the common lands or facilities.
 - b. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.
 - c. A mechanism for resolving disputes among the owners or association members.
 - d. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
 - e. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.
 - f. Any other matter the developer deems appropriate.

16-4 NATURAL AREA CONSERVATION EASEMENTS

The following requirements apply for all easements intended for conserving Natural Area Corridors (see Chapter 6 for requirements applied to wetland buffer conservation easements).

1. Acquisition of Easements. The County may acquire Natural Area conservation easements over any eligible platted or unplatted land within the county by voluntary dedication, purchase, gift, grant, bequest, devise, covenant or contract.
2. Easements as Public Values. In some cases, voluntary dedication of a Natural Area conservation easement shall be considered a public value, and a negotiated part of the County's Planned Unit Development (PUD) process.
3. Nature of Restrictions. Natural Area conservation easements shall be permanent. The specific terms of the easement shall be negotiated on a case-by-case basis.

The terms shall be designed to protect the property's resource values, as identified through the land development review and approval process.

4. Holding of Easements. At the directions of the County Board, Natural Area conservation easements shall be held by Scott County. A co-hold arrangement with a third party (such as a land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, Section 84C.0405) will be considered on a case-by-case basis depending on the will of the landowner.
5. Documentation. Natural Area conservation easements must be shown on a preliminary plat or provided under a legal description. Easement documents must be recorded. The values that the conservation easement is intended to protect are defined and recorded in the baseline documentation consisting of a baseline property and ecological report. At the time the easement is recorded, documentation of the property, and its existing natural resources and ecological condition shall be conducted and prepared into a baseline property and ecological report. It shall include, at a minimum, a site map and an evaluation and discussion of land cover, plant communities and water resources, invasive species survey and mapping, identification of rare natural resource features, and an evaluation of the ecological condition of the property. The report shall be prepared using aerial photographs, maps, site visits, field surveys, a review of existing natural resource inventories and rare features records. The natural resource and ecological evaluation shall be conducted by a professional ecologist approved by County staff. Such documentation shall be updated periodically by the easement holder(s). Such studies and monitoring shall be conducted according to commonly accepted best practices.
6. Easement Costs: Any costs related to the surveying, creating legal descriptions, preparing a baseline property and ecological report, creating a stewardship plan, closing and recording of conservation easements will be the responsibility of the landowner or developer.
7. Easement Stewardship Plan. As part of the conservation easement negotiation and documentation process, an easement stewardship plan will be required. The terms and conditions of the easement stewardship plan shall be determined on a case-by-case basis. At a minimum, a stewardship plan will include an ecological evaluation of the property (as required in the baseline property and ecological report) and a schedule of maintenance activities to sustain the ecological value of the property and to control noxious weeds, estimated costs and an identification of roles and responsibilities and funding sources.
8. Easement Endowment Fund. To fund the on-going administrative activities associated with the easement, an endowment shall be required. The amount of this endowment will be calculated using the County's conservation easement

project cost analysis. The endowment fund will be held by the holder of the conservation easement.

9. Monitoring. Natural Area conservation easements shall be monitored on a regular basis to ensure compliance. Monitoring may include a site visit. The County may contract with an outside organization to document and monitor easements, or the HOA may be responsible for monitoring and reporting to the County.
10. Monuments: All areas protected by a conservation easement shall be marked with permanent markers or monuments to ensure easement boundaries can be identified in the field.
11. Enforcement. If the terms of the conservation easement are violated, the easement holder(s) may pursue all legal remedies available, including, but not limited to, correction of the violation.

CHAPTERS 17-19: RESERVED

CHAPTER 20: GENERAL ZONING DISTRICT PROVISIONS

20-1 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, Scott County is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

20-1-1 Agricultural/Rural Districts

1. A-1, Agricultural Preservation District.
2. A-2, Agricultural Woodlands District.
3. A-3, Agricultural Preservation Density District.

20-1-2 Reserve Districts

1. UER, Urban Expansion Reserve District.
2. UER-C, Urban Expansion Reserve Cluster District.
3. UBR, Urban Business Reserve District.
4. UTR, Urban Transition Reserve District.
5. UTR-C, Urban Transition Reserve Cluster District.

20-1-3 Residential Districts

1. RR-1, Rural Residential Reserve District.
2. RR-1C, Rural Residential Reserve Cluster District.
3. RR-2, Rural Residential Single Family District.
4. RR-3, Residential Suburban Single Family District.

20-1-4 Commercial Districts

1. C-1, General Commercial District.

20-1-5 Industrial Districts

1. I-1, Rural Industrial District.

20-1-6 verlay Districts

1. SL, Shoreland District.
2. FP, Floodplain District.
3. PUD, Planned Unit Development District.

20-2 ISTRICT BOUNDARIES

Zoning district boundary lines established by this Ordinance generally follow lot lines, the centerlines of railroad rights-of-way, street rights-of-way, water courses or the corporate limit lines, all as they exist upon the effective date of this Ordinance.

20-2-1 Appeals

Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment and Appeals pursuant to Section 2-2 of this Ordinance.

20-2-2 Vacation

Whenever any road, alley or other public way is vacated by official action of the county or township, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

20-2-3 ts-of-Way

All roads, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, roads, public ways or railroad rights-of-way. Where the centerline of a road, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such area, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

20-2-4 Water Areas

All areas within the County that are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the half way point and/or to the corporate limits.

20-3 MAP

The location and boundaries of the districts established by this text and hereby set forth on the zoning map entitled "Scott County Zoning Map." Said map shall be on file with the Planning Department and hereinafter referred to as the "zoning map." Said 76map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference. It is the responsibility of the Planning Department to maintain the Scott County Zoning Map, and amendments thereto shall be recorded on said map. The official Scott County Zoning Map shall be kept on file in the County Courthouse.

20-4 ES TABLE

SCOTT COUNTY COMMUNITY SERVICES DIVISION
 Zoning Administration
 200 Fourth Avenue West, Shakopee, Minnesota 55379-1220
 (952) 496-8475 - Fax (952) 496-8496 - Web: www.scott.mn.us

Scott County Zoning Districts

Effective: January 20, 2010
 Updated: February 5, 2013

This map is a legally recorded document. It is a compilation of records, information, and data located in various county, township, city, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. This is not a survey and is not intended to be used as such. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Scott County Zoning Administration or the Scott County Surveyors Office.

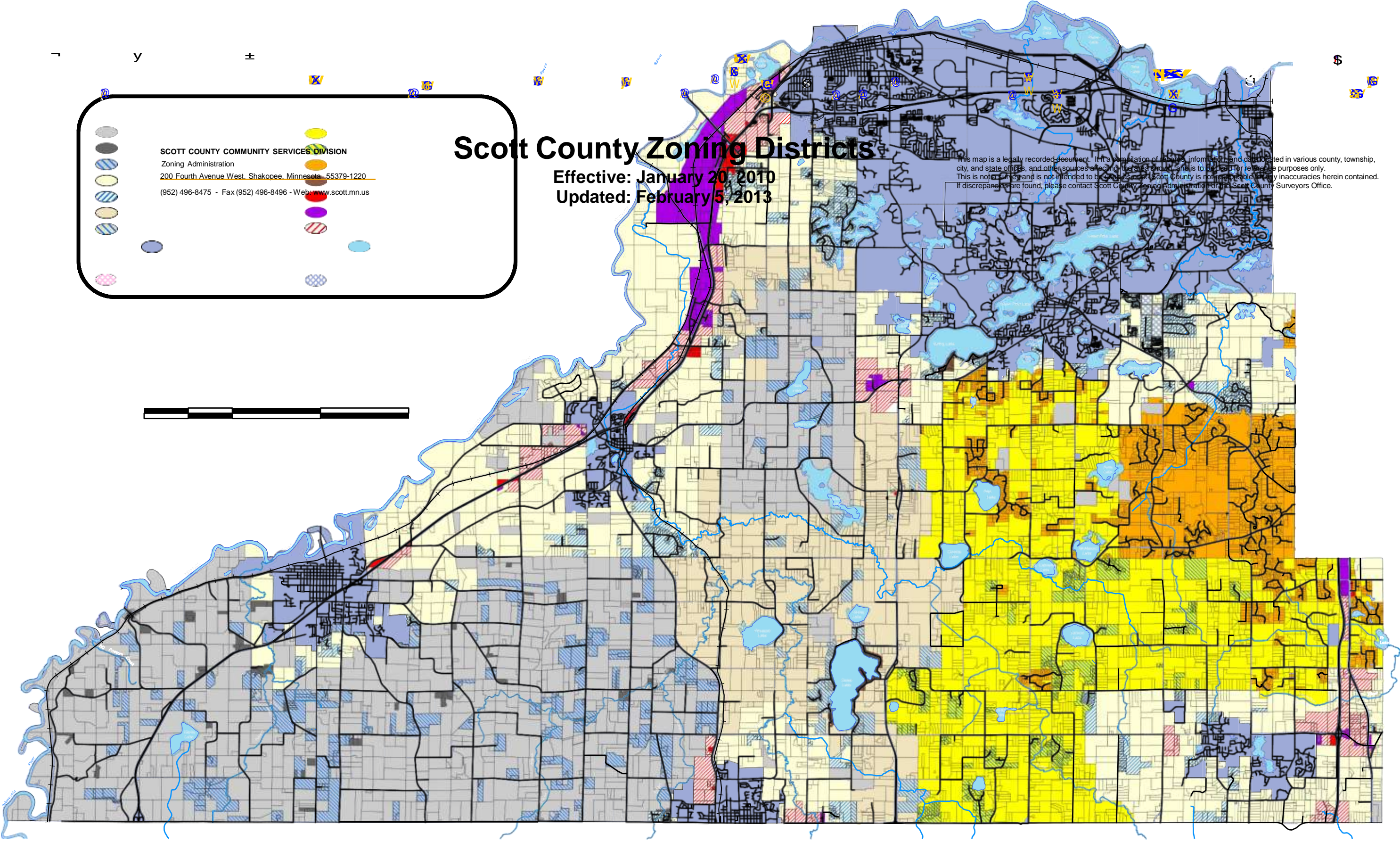


Table 20-4

P = Permitted Use C = Conditional Use I = Interim Use AD= Administrative Use AC = Accessory Use Blank = Prohibited Use P-10, C-10, I-10 = Use is allowed only on parcels 10 acres or greater														
Use	A-1	A-2	A-3	UER	UER-C	UBR	UTR	UTR-C	RR-1	RR-1C	RR-2	RR-3	C-1	I-1
Accessory Dwelling Unit, Attached	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD		
Accessory Dwelling Unit, Detached	I	I	I	I	I	I	I	I	I	I	I	I		
Agricultural buildings	P	P	P	P	P-10	P	P	P-10	P	P-10			P	P
Agricultural uses	P	P	P	P	P	P	P	P	P	P			P	P
Agricultural machine shop	C	C	C	I	I-10	I	C	C-10	C	C-10				
Agricultural Tourism	C	C	C	I	I		I	I	C					
Animal hospital	C	C	C	C		C	C		C				AD	
Animal shelter													C	
Auction house, flea market													C	
Auto, implements, heavy equipment, truck, RV sales													C	
Auto, truck major repair, body shop														C
Bed and breakfast establishment	C	C	C	C	C	C	C	C	C	C				
Billboard/Advertising Signs														C
Boarding or renting of rooms	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		
Cemetery	C	C	C	C	C		C	C	C	C	C	C		
Church	C	C	C	C	C		C	C	C	C	C	C		
Commercial accessory building up to 30% gross sq ft													AC	
Commercial accessory building 30-70% gross sq ft													C	
Commercial bulk liquid storage	C		C	I		I	I		I					C
Commercial freestanding satellite dish	C	C	C										P	P
Commercial livestock experiment station	C		C											
Commercial nursery or greenhouse	C	C	C	I		C	C		C				C	
Concrete mixing plant														C
Contractor yard														C
Convenience Store-Gas Sales Station													C	
Daycare center													AD	
Daycare, In Home	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		
Drainage systems/flood control	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Essential services - Government uses, buildings, storage	C	C	C	C	C	C	C	C	C	C	C		C	C
Essential services - Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Essential services - Transmission/Utilities/Substations	C	C	C	C	C	C	C	C	C	C	C		C	C
Fair and fairgrounds				C										C
Farm equipment sales	I	I	I	I		I	I							
Farm Markets	C	C	C	I	I		I	I	C					
Farm wineries and vineyards	C	C	C	I	I		I	I	C					

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Use	A-1	A-2	A-3	UER	UER-C	UBR	UTR	UTR-C	RR-1	RR-1C	RR-2	RR-3	C-1	I-1
Feed mills													AD	
Feedlots (new) greater than 50 animal units	P		P	C		C	P							
Feedlots greater than 250 animal units	P		P	C		C	C		C					
Feedlots greater than 500 animal units	C		C				C							
Fences	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Fences taller than maximum height standards	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD		
Fish and frog farm/hatchery	C			I		I	I		C					
Forest or game management	P	P	P	P	P	P	P	P	P	P				
Freight transportation terminal														C
Golf courses/driving ranges	C	C	C	C	C		C	C	C	C	C			
Grading permit	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD
Grain terminal														C
Group care facility	C		C											
Home extended business	C	C	C	I	I-10	I	I	I-10	I	I-10	I-10			
Home occupations	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD		
Indoor commercial recreation													AD	AD
Indoor storage space or garage rental													AD	AD
Industrial accessory building 50-70% gross sq ft														C
Industrial accessory building up to 50% gross sq ft														AC
Informational center with residential subdivision	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD		
Large assembly for 250-499 individuals	AD	AD	AD	AD		AD	AD		AD				AD	AD
Large assembly for greater than 500 individuals	I	I	I	I		I	I		I				I	I
Kennel with 5 to 25 dogs	C	C	C	I		I	I		C					
Limited livestock raising	P	P	P	P	P-10	P	P	P-10	P	P-10	P-10			
Lumber yard and landscape supply													C	C
Manufacturing, processing, packaging or assembly														AD
Mining	I	I	I	I		I	I		I				I	I
Mobile home for infirmed family member	I	I	I	I		I	I		I					
Mobile home for full time farm employment	I	I	I											
Mobile home while building new home	I	I	I	I		I	I		I					
Motor vehicle fuel sales and service													C	
Motor vehicle repair garage														C
Offices and professional buildings													AD	AD
On-site parking and loading													AC	AC
Open outdoor sales, rental, or display area													AD	

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Use	A-1	A-2	A-3	UER	UER-C	UBR	UTR	UTR-C	RR-1	RR-1C	RR-2	RR-3	C-1	I-1
Outdoor commercial recreation	C	C	C						C					
Outdoor parking of semi-tractor trailers														AC
Outdoor storage accessory to principal use														AC
Paintball range	C	C	C						C					
Park and ride facility	C	C	C						C				AD	
Play and recreational facilities	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		
Portable concrete and asphalt mixing plants	I	I	I	I		I	I		I					
Private airport or heliport	C	C	C				C		C					
Private campground/day park	C	C	C	I	I	I	I		C	I			I	
Private garages and on-site parking	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		
Private stable	P	P	P	P	P-10	P	P	P-10	P	P-10	P-10			
Private stable with excess animal units	C	C	C						C					
Properties with more than one principal structure													C	C
Public parks, campgrounds, rec. areas	P	P	P	P	P	P	P	P	P	P	P	P		
Public stable	C	C	C	I	I-10		C		C	I-10	I-10			
Railroad ROW	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Railroad yard														C
Recycling center														C
Residential care facility with 6 or fewer persons	P	P	P	P	P	P	P	P	P	P	P	P		
Residential care facility not exempted by state statutes		C							C					
Restaurant including fast food and drinking establishment													C	
Retail commercial establishment													AD	
RV parking and storage for private use	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		
Sales display access. to principal use (in/outdoor)													AD	AD
Salvage yard														C
Sanitary or demolition landfill														C
Satellite dishes and antennas	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
School and facilities serving less than 150 students													C	
Security structure													AD	AD
Sexually Oriented Uses														C
Signs	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Single family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P		
Solid and hazardous waste transfer station														C
Solid waste processing facility														C
Swimming pools	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		

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Use	A-1	A-2	A-3	UER	UER-C	UBR	UTR	UTR-C	RR-1	RR-1C	RR-2	RR-3	C-1	I-1
Temporary outdoor promotional event and sales													AD	AD
Temporary roadside stand for ag sales	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC			
Temporary structure													AD	AD
Towers less than 35 feet in height for personal use	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD	AD
Truck stop													C	
Warehousing														AD
Wholesaling														AD
Wind energy conversion systems - commercial	C	C	C	C		C	C		C				C	C
Wind energy conversion systems - non-commercial	AD	AD	AD	AD		AD	AD		AD-10				AD	AD
Wireless communication antennas	AD	AD	AD	AD	AD	AD			AD	AD	AD	AD		
Wireless communication towers and antennas (see Chapter 13)	C	C	C	C		C	C		C				AD	AD
Yard and tree waste composting site														C

Chapters Omitted

CHAPTERS 82-89: RESERVED

CHAPTER 90: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after January 20, 2010.

SIGNED:

By: _____
Chairman of County Board

ATTEST:

By: _____
County Administrator

By: _____
County Attorney