NEW SCANDIA TOWNSHIP
SUMMARY OF NEW SCANDIA TOWNSHIP DEVELOPMENT CODE

THE TITLE AND SUMMARY OF THIS ORDINANCE HAS BEEN PREPARED FOR PUBLICATION PURSUANT TO M. S. § 368.01(21).

ORDINANCE NO. 74

TITLE

AN ORDINANCE ADOPTING OFFICIAL CONTROLS FOR THE PURPOSE OF REGULATING THE PHYSICAL DEVELOPMENT OF LAND IN NEW SCANDIA TOWNSHIP AS AMENDED JANUARY 8, 2002.

SUMMARY

The Ordinance consists of three chapters:

Chapter 1. Administration;
Chapter 2. Zoning Regulations;
Chapter 3. Subdivision Regulations.

Together they shall be known as the New Scandia Township Development Code.

1. Intent and Purpose. The Ordinance is adopted for the following purposes:

(1) To implement the policies established in the New Scandia Township Comprehensive Plans.

(2) To stage development and redevelopment to coincide with the availability of necessary public services.

(3) To divide the Township into zoning districts.

(4) To define the allowable uses in zoning districts within the Township.

(5) To regulate the location, construction, reconstruction, alteration and use of structures and land within the Township.

(6) To provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.

(7) To regulate uses or development in Shoreland, Saint Croix River Bluffland and Floodplain areas by creating overlay districts with additional regulations applicable to land and structures located within those districts.

(8) To conserve and protect natural resources and maintain a high standard of environmental quality.

(9) To regulate the placement of structures in flood prone areas.

(10) To regulate alterations of natural vegetation and topography.

(11) To provide a variety in housing.

(12) To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the Township.

(13) To limit congestion on public roads and to foster public safety and convenience in travel and transportation.

(14) To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety and comfort.

(15) To prevent environmental pollution and to protect surface and ground waters from contamination.

(16) To preserve the value of land and value of structures throughout the Township.

(17) To protect and preserve viable agricultural land.

(18) To provide for the wise use and conservation of energy.

(19) To provide for the gradual and equitable elimination of those uses of land and structures which do not conform to the standards for the area in which they are located.

(20) To provide for the orderly, economic and safe removal and processing of sand, gravel, rock, soil and other material.

(21) To provide for the orderly development of land through subdivision regulation.

(22) To protect areas needed for future public use from further development through Official Maps.

(23) To provide for the enforcement of this Development Code and to define and limit the powers and duties of the administrative officers and bodies responsible therefor.

2. Compliance. Except as provided in the Development Code, no structure shall be erected, moved, or altered unless in conformity with the regulations specified in the Development Code. No structure or land shall be used or occupied for any purpose or in any manner which is not in conformity with all of the regulations contained in the Code.

3. Administration. The Town Board shall serve as zoning administrator and may appoint staff as appropriate to enforce the code. The Town Board shall issue all necessary permits, conduct inspections, review and approve all subdivisions; receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies; and institute any appropriate legal actions or proceedings against a violator as provided for in the code.

4. Variances. Variances to the code shall only be permitted when they are in harmony with the general purpose and intent of the code and when there are practical difficulties or particular hardships in carrying out the strict letter of any official control. A formal application for a variance must be filed in writing and a public hearing on the application must be held by the Planning Commission.

5. Conditional Uses. Conditional Uses may under certain circumstances be granted upon application duly made and a public hearing is held by the Planning Commission.

6. Permits. No structure shall be erected, moved in or structurally altered until the zoning administrator issues a statement that the existing or proposed structure and use of the land comply with the code. A building permit must be issued by the building official.

   No building permit for any use requiring on-site waste treatment and disposal shall be issued until an on-site waste disposal permit has been issued.

   Access drives onto Township roads shall be reviewed and approved by the zoning administrator. Access drives onto County roads shall require an access permit from the Washington County Public Works Department and must be issued prior to the issuance of any building permits.

7. Enforcement. The violation of any provision of the code or the violation of the conditions or provisions of any permit issued pursuant to the code shall be a misdemeanor and upon conviction thereof, the violator shall be subject to a fine, imprisonment or both plus, in either case, the cost of prosecution. Unless otherwise provided, each act of violation and every day in which such violation occurs or continues constitutes a separate offense.

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

8. Zoning Regulations.

(1) Zoning maps. The Township is divided into zoning districts. Each district has (a) primary uses; (b) uses allowed with a certificate of compliance; and (c) uses allowed with a conditional use permit. Unless a use is specifically defined as a primary use or allowed with a certificate of compliance or conditional use permit, it is a prohibited use. The boundaries of the districts are as shown on the official zoning map of the Township which is made a part hereof. The zoning districts and maximum density under conventional subdivision are as follows:

"AP"	Agricultural Preserves District ---	One dwelling unit per 40 acres
"AG"	Agriculture District ----------	Four dwelling units per 40 acres
"SR"	Semi-Rural District ----------	Eight dwelling units per 40 acres
"SFE"	Single Family Estate District -----	Sixteen dwelling units per 40 acres
"RB"	Retail Business District ----------	Minimum lot size 2.5 acres
"GB"	General Business District ---------	Minimum lot size 2.5 acres

(2) Density. Development of residential land is regulated by density and not minimum lot size through one of three methods: conventional subdivision, lot averaging and open space design.

Conventional subdivision divides property into lots according to the minimum lot size and width requirements for the zoning district.

Lot averaging allows the property owner to create parcels smaller than those of a conventional subdivision provided the density of the development does not exceed the maximum density permitted for the zoning district.

Open space design allows the property owner to subdivide parcels into lots smaller than conventional subdivisions with more lots than are permitted under lot averaging provided that the development complies with certain design standards and a portion of the property remains as permanent open space.

(3) Open Space Development. Open space development is permitted to preserve open space and rural character while creating compact neighborhoods that have a strong visual and physical access to the open space. Open space may be used for agricultural land, woodlands and other open space purposes. Use of the open space must be restricted by restrictive covenants and a conservation easement granted to the Township or a conservation organization.

(4) Planned Unit Development. Planned unit development is permitted in developments having two or more principal uses on a single parcel of land. Planned unit development is granted by a conditional use permit.

(5) Miscellaneous Amendments. Amendments to the Development code as originally adopted June 15, 1999 include the addition or amendment of the following sections:

(a) Wild and Exotic Animals. Section 2.1(12) of Chapter One prohibits the keeping of certain wild or exotic animals within the Town.

(b) Large Lot Subdivision. Section 3.3(2)(c) of Chapter Two permits subdivision of a parcel of 20 acres or greater from a tract 40 acres or greater without public road frontage in the AG District.

(c) Horse Training Facilities. Horse training facilities are permitted in the AG District only. Section 3.2, Chapter Two.

(d) Exterior Storage. Personal property and vehicles shall be stored within a structure with certain exceptions. No more than four passenger vehicles or small trucks per dwelling unit may be kept outside of a building in any district. Section 9.4, Chapter Two.

(e) Commercial Kennels. Commercial kennels are permitted in the AG District except for those parts lying within the Shoreland Overlay District. Section 10.15, Chapter Two.

(f) Private Kennels. The Town Board may require a conditional use permit for a private kennel. Section 10.16, Chapter Two.

(g) Swimming Pools. Swimming pools require a building permit and are regulated in Section 10.31, Chapter Two.

(h) Travel Trailer/RV Campground. Former Section 10.34, Chapter Two pertaining to Travel Trailer/RV Campgrounds has been deleted.

(i) Overlay Districts. Lots on Recreational Development lakes and Goose Lake shall be a minimum of 2.5 acres and have a minimum lot width of 150 feet. Lots on Natural Environment lakes shall have a minimum lot size of five acres and a minimum lot width of 300 feet. Cluster developments/open space designs are not permitted within the shoreland overlay district. Section 11, Chapter Two.

(j) Platting-Concept Review. Formal requirements for concept review have been minimized. Section 6.1, Chapter Three.

(k) Park Land Dedication. As a prerequisite to approval of a plat or minor subdivision, the owner shall dedicate 7% thereof for public use or pay

$1000.00 per lot cash contribution to the Town in the discretion of the Town Board.

9. Subdivision Regulations.

(1) Intent and Purpose. The purpose of the subdivision regulations is to:

(a) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.

(b) Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.

(c) Place the cost of improvements against those benefiting from their construction.

(d) Secure the rights of the public with respect to public lands and waters.

(e) Set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

(2) Applicability. The regulations shall apply to any division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.

(3) Platting Procedure. A comprehensive platting procedure is established by the regulations commencing with a concept plan and resource inventory. After receiving comments from the planning commission during concept review, the developer must prepare a preliminary plat. Thereafter the developer must prepare a final plat and, in a major subdivision, execute a development agreement and/or install all required improvements.

(4) General Development Standards. The proposed subdivision shall conform to the comprehensive plan and policies as adopted by the Township.

(5) Park Dedication Requirements. In the discretion of the Town Board, the developer shall be required to dedicate to public use seven percent (7%) of the land in a subdivision for public use or, in lieu thereof, pay to the Township a park fee of $1000.00 per lot.

(6) Minimum Design Standards and Engineering Standards. All streets, utilities, easements and site improvements must be installed and/or granted in accord with Township and other applicable municipal regulations.

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(7) Minor Subdivision. In the case of a subdivision resulting in three or less parcels situated in a locality where conditions are well defined and no new roads or other public infrastructure is needed, the Township may waive formal platting requirements. At a minimum, a survey showing the original lot and proposed lots must be provided to include delineation of wetlands and DNR protected waters.

A printed copy of the entire Ordinance is available for inspection by any person during regular office hours of the Town Clerk at the New Scandia Community Senior Center.

This Ordinance shall be in full force and effect from and after the date of its passage and the publication of this Summary according to law.

Adopted by the Town Board of New Scandia Township this 8th day of January, 2002.

Dennis Seefeldt
Chairman

ATTEST:

Dolores Peterson
Clerk