

ORDINANCE No. 28-A

AN ORDINANCE AMENDING ORDINANCE No. 28 CARLTON COUNTY SUBDIVISION ORDINANCE

The Board of Commissioners of Carlton County ordains as follows:

SECTION I Section 2, Subdivision C. Variances is amended in its entirety to read as follows:

Subdivision C. Variances

1. A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
2. The Board of Adjustment may consider a variance from any of the provisions of this Ordinance where it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal.
3. The Board of Adjustment may approve variances from this Ordinance, provided the variances will not have the effect of nullifying the intent and purpose of this Ordinance, the *Carlton County Zoning Ordinance*, or the *Carlton County Community-Based Comprehensive Plan*. Further, the Board of Adjustment shall not approve or disapprove variances unless it makes findings based upon the evidence presented in each specific case that:
 - a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - b. The conditions upon which the request for variance is based are unique to the property for which the variance is requested and are not applicable generally to other property.

- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out.
 - d. In granting any variance, the Board of Adjustment may impose conditions that it finds necessary or desirable to effect the purposes of this Ordinance and to protect the public interest.
4. Application Required.
- a. A completed application for a variance from this Ordinance shall be submitted by the applicant on a form provided by the Planning and Zoning Office at the time when the preliminary plat application is submitted for consideration to the County. The application shall be complete when the applicant has complied with the following requirements:
 - 1.) A written and/or graphic description of the variance request including an explanation of the reason the variance is required, the hardship involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the *Carlton County Community-Based Comprehensive Plan* and the *Carlton County Zoning Ordinance*.
 - 2.) Supporting information required by the Zoning Administrator including, but not limited to, covenants, deed restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.
 - 3.) A fee established by resolution of the County Board.
 - b. The Zoning Administrator shall notify the applicant within fifteen (15) business days of submittal if the application is incomplete.
 - c. The notice, review and public hearing of the variance request shall follow the same procedures as a preliminary plat found in Section 5, Subdivision B of this Ordinance.
5. A variance shall expire one (1) year from the date of approval if the variance is not utilized unless a request for an extension is submitted by the subdivider and approved by the Board of Adjustment.

SECTION II Section 4, Subdivision A. 5. is amended in its entirety to read as follows:

- 5. The purpose of the Administrative Subdivisions is to allow relatively simple and timely procedures for the subdivision of single parcels of land. The provisions in this Section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid Minor Subdivision or Major Subdivision requirements for larger parcels.

SECTION III Section 4, Subdivision A. is amended by adding the following provision:

6. The purpose of the Minor Subdivisions is to allow relatively simple and timely procedures for the subdivision of single parcels of land. The provisions in this Section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid Major Subdivision requirements for larger parcels. There shall be no subsequent subdivision of any parcels of land in contiguous ownership, any of which have been included in a Minor Subdivision, within a period of three (3) years of the date any such subdivision of land was recorded as part of an earlier Minor Subdivision.

SECTION IV Section 4, Subdivision A. is amended by adding the following provision:

7. In a Minor Subdivision resulting in three (3) or fewer lots on a private road, the requirements for design and certifications by a registered professional engineer, as specified in Section 7 Installation and Maintenance of Basic Improvements, may be waived provided the following conditions are met:
 - a. The road is constructed in substantial compliance with the standards and specifications required in Section 7, except as may be modified by the County.
 - b. The subdivider and road contractor shall certify in writing that the road has been constructed in substantial compliance with the requirements in Section 7, except as may be modified by the County, and the road will support year-round use by emergency response vehicles.
 - c. The subdivider executes the perpetual road maintenance agreement required for private roads.

SECTION V Section 6, Subdivision B. 7. is amended in its entirety to read as follows:

7. Every lot must have the minimum required frontage on a public road or approved private road and have adequate access to a public road or approved private road. The County may modify the minimum required frontage on cul-de-sacs.

SECTION VI This Ordinance shall be in full force and effect after its passage and publication according to law.

Approved and adopted by the Board of Commissioners of Carlton County this 13th day of December, 2005.

Ted Pihlman, Board Chair

ATTEST:

Paul Gassert, County Auditor

Published in the Star Gazette, this 5th day of January, 2006.

S/word/ord good copies/ord no. 28-A approved 12-7-05 Pl Com/jlm