

Cook County

Subdivision Ordinance **Ordinance #50**

Adopted 7/11/2006

Amended 11/23/2010, 11/22/2011, 5/22/2012, 7/23/2019 and 5/23/2023

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SUBDIVISION ORDINANCE OF COOK COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING COMPREHENSIVE REQUIREMENTS FOR THE LAYING OUT OF ROADWAYS AND ALL DIVISIONS OF PROPERTY WITHIN COOK COUNTY AND OUTSIDE THE BOUNDARIES OF MUNICIPALITIES

Whereas, each new division of real property becomes a permanent unit in the basic physical structure of the County, new divisions of real property shall contribute toward an attractive, orderly, stable and wholesome community environment with adequate services and roadways; all divisions of real property shall fully comply with the requirements set forth in this ordinance; and

Whereas, the Board of Commissioners of Cook County has entered into a comprehensive planning and zoning program under provisions of MSA 394.21-394.37; and

Whereas, this ordinance establishes the requirements for all new divisions of real property by government subdivision description, metes and bounds description, a subdivision plat under the provisions of Minnesota Statutes Chapter 505, Registered Land Survey under the provision of Minnesota Statutes Chapter 508, and Townhouse, Condominium, or group home development under the provisions of Minnesota Statutes, Chapter 515A and Chapter 515B; and

Whereas, this ordinance shall apply to all of Cook County, Minnesota, outside the incorporated limits of any municipality that has adopted a subdivision ordinance and outside a two-mile area adjoining any municipality that has an extended subdivision ordinance beyond its corporate limits pursuant to the authority granted by Minnesota Statutes; and

Whereas, this ordinance repeals all Interim and pre-existing Subdivision Ordinances of Cook County; and

Whereas, after conducting a public hearing, the Cook County Planning Commission recommends the following ordinance.

Now, therefore, be it resolved, the Cook County Board Ordains:

Section 1 – General Provisions

1.1 Scope

From and after the effective date of this Ordinance, any Subdivision of land within the jurisdiction of this Ordinance shall be prepared, presented for approval, and recorded at the Office of The Cook County Recorder as prescribed herein. The regulations contained in this Ordinance shall apply to the subdivision of a parcel of land into two or more parcels, at least one of which is less than a standard quarter quarter section in size.

Proposals for subdivision (as addressed by Section 3.1 of this Ordinance) of property located within the jurisdictional limits of a municipality that has extended application of its own municipal subdivision controls under MS 462.358 are hereby exempted by Cook County from the requirements of this Ordinance.

1.2 Compliance

Land use permits shall be issued by Cook County to the land in a new subdivision, as defined herein, only if all requirements of this ordinance have been complied with. A subdivision will not be approved where later variance from one or more setback standards in official controls would be needed to use the lots for their intended purpose.

1.3 Interpretation

Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

1.4 Suitability for Development

The layout of any subdivision and the land encompassed therein shall be reasonably suitable in its natural state for the proposed development, so that full future compliance with the Cook County Zoning Ordinance and Health Code, as well as other applicable state and local regulations is assured.

1.5 Procedures

- A. The Subdivider shall meet with County Zoning Officers prior to submitting a subdivision application to discuss subdivision requirements.
- B. No lot created under the provisions of this ordinance shall contain both abstract and Torrens lands.

- C. The Planning Commission may request any information it determines to be necessary in its deliberations to enforce this ordinance.
- D. An up to 5% shortage in dimensions or area may be considered a practical difficulty by the Board of Adjustment.

1.6 Appeals

Appeals from the provisions of this Ordinance, or the determinations of the Planning and Zoning Administrator shall be made in accordance with the procedures identified in Section 14 of the Cook County Zoning Ordinance.

Section 2 – Definitions

- 2.1 For the purposes of this ordinance and unless the context suggests a different meaning; certain words, phrases, and terms shall be construed as defined in Article 2 of the Cook County Zoning Ordinance unless otherwise defined as follows:
- 2.2 Best Management Practices (BMP's) - Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water as published by state or designated area-wide planning agencies.
- 2.3 Certificate of survey - A copyrighted land measurement showing property boundaries signed by a Licensed Land Surveyor.
- 2.4 Collector Road – A road that collects traffic from local streets and connects with minor and major arterials.
- 2.5 Easement - A grant by a property owner allowing the use of the property owner's land for a prescribed purpose.
- 2.6 Final Plat - A drawing or map of a subdivision, meeting all of the requirements of the County and the Minnesota State Statutes regarding the platting of land and in such form as required by Cook County for the purposes of recording.
- 2.7 Homeowners Association – A formally constituted entity made up of the property owners and/or residents of the development for the purpose of owning, operating or maintaining the common open space and facilities.
- 2.8 Inside Living Space - Constructed and finished or planned to be finished heated space suitable for living area, including space that may be put to retail or recreational use.
- 2.9 Lot – A portion of a subdivided parcel that has legally defined boundaries.

- 2.10 Open Space Subdivision - A type of subdivision that creates lots that provide flexibility in location of structures by allowing the clustering of smaller lots and preservation of open space.
- 2.11 Parcel – A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity. Control by a single entity includes control by members of a family, corporation or trust.
- 2.12 Preliminary Plat – A tentative plan meeting the requirements herein enumerated for the subdivision of a certain parcel of land.
- 2.13 Planned Unit Development - A type of development having a unified site design for a number of separately owned dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planned Unit Development - Commercial. “Commercial planned unit developments” are uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Planned Unit Development - Residential. “Residential planned unit development” means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments when not used for transient short-term lodging.

- 2.14 Road – Any vehicular way serving more than four primary dwellings, or buildable lots.
- 2.15 Road, Cul-de-sac – A road with a single common ingress and egress and with a turnaround at the end.
- 2.16 Shared Driveway - A private vehicular way serving up to four adjoining lots, which provides access to a road or highway.

- 2.17 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 50% of the required structure setback.
- 2.18 Street – A Road. See definition of Road.
- 2.19 Subdivider – Any person or entity having an interest in land that is the subject of an application for subdivision.
- 2.20 Subdivision – The division of a lot, or parcel of land into two or more lots or parcels of land.
- 2.21 Wetland – Those areas as defined in Minnesota Rules 8420.0110 Subd. 52 herein adopted by reference.

Section 3 – Subdivision of Real Property

- 3.1 Four types of Land Subdivision are allowed by this ordinance:
1. Administrative Subdivision
 2. Standard Plats
 3. Open Space Subdivisions
 4. Planned Unit Developments
- 3.2 All subdivisions that contain commonly owned interests in real estate or common elements as defined in Minn. Stat. Ch. 515B must have created a Homeowners Association. Association agreements for the future use and maintenance of individual and common property must at least address the following items:
- A. Road access within and outside the plat boundary;
 - B. A method of operating and maintaining all shared systems or common element, if a private central water/sewer system or other utility is to be part of a subdivision;
 - C. Membership shall be mandatory for each lot owner and any successive owner;
 - D. Each member shall pay a proportionate share of the Associations expenses, and unpaid assessments shall become liens on lots;
 - E. The Association shall be responsible for insurance and taxes on commonly owned property and facilities;
 - F. Covenants, restrictions, dedications, etc. must follow the policy provided by Minnesota Statutes, Chapter 515B – Minnesota Common Interest Community Ownership Act. Deed restrictions and covenants, and internal easement descriptions also need to accompany the Preliminary Plat. A Plat Manual of

Minimum Guidelines to Common Interest Community Plats is available from the Minnesota Society of Professional Surveyors.

- 3.3 Each lot created by any type of subdivision that is intended for residential use must:
- A. Meet the minimum lot size and dimensions for the zone district it is located in;
 - B. Have an area for construction of a home-site that can be accessed and developed meeting all minimum setback requirements;
 - C. Avoid, minimize or mitigate wetland impacts in accordance with County, State and Federal wetland rules and laws;
 - D. Be capable of supporting two standard septic systems as defined by Minnesota Chapter 7080 and Cook County Environmental Health Code; and
 - E. Meet all other pertinent requirements of the Cook County Zoning Ordinance and the Cook County Subdivision Ordinance. Evidence of application for any necessary state or federal permits must be provided.
 - F. Have legal access provided that will accommodate the easement standards of a shared driveway. The Cook County Planning Department may administratively waive the requirement of this provision, Section 4.1(D) and Section 9.4(A) if the parcel being subdivided is already being served by an easement for access which was recorded prior to July 11, 2006.

Road right of way within the subdivision cannot be used for calculation of minimum lot size, except for lots within the FAR-1, FAR-2 and FAR-3 zone districts subdivided through the Administrative Process. For more information on requirements refer to the Appendix. The Subdivider shall furnish enough information to the Zoning Office to show that this standard has been met.

Section 4 – Administrative Subdivision

- 4.1 Administrative Subdivisions will allow subdivision of parcels of land with administrative approval, which will not change the use of the land or the character of the area. An administrative subdivision shall only be utilized under the following conditions:
- A. A parcel is being divided to create up to a maximum of four parcels;
 - B. All the requirements of Section 3.3 of the Subdivision Ordinance can be met;
 - C. The division does not require creation of a new road, and there is a maintenance agreement for existing road access and/or any shared driveway, and appropriate

provision is made for future access if necessary to prevent landlocked parcels within the land being subdivided. Alternatively, in lieu of a maintenance agreement, the Subdivider may provide proof to the county that the Subdivider has provided, or will provide a disclosure of the status of road maintenance responsibilities to all prospective purchasers;

- D. All newly created shared driveways shall have a 50-foot right of way established, the area of which may be included in the minimum lot size calculation; and
 - E. The parcel sought to be subdivided has not been created from a parent parcel that has been subdivided to the maximum of four parcels within the last two years, unless the parcel was created by decree, or pursuant to court order.
- 4.2 The administrative subdivision may be used to correct an encroachment or an addition to correct minimum lot size, provided a Certificate of Survey is filed as an exhibit with the deed of transfer, if a Certificate of Survey is deemed necessary by Planning and Zoning.
- 4.3 An Administrative Subdivision may utilize the design standards and requirements for Open Space Subdivisions.
- 4.4 Administrative Subdivision Procedure
- A. Application will include enough information to document that each lot will meet criteria in Section 3.3. The demonstration of wetland avoidance for an Administrative Subdivision will not require a wetland delineation of the entire parcel if the applicant can show to the Zoning Administrator's satisfaction that the property has a building site, driveway location and drainfield site that will allow an owner to develop the property without impact to wetlands. If the draining or filling of wetlands is unavoidable, then a delineation of the whole lot must be done to show that the building site minimizes encroachment on wetlands. The required information must be submitted to the Zoning Administrator, along with the required fee. The Zoning Administrator may request additional clarifying information.
 - B. Upon submission of all required information, the Zoning Administrator shall notify the applicants in writing whether the subdivision is approved or denied. Administrative Subdivisions do not require a public hearing.
 - C. A survey is not required for an Administrative Subdivision unless the planning department deems a survey necessary to determine compliance with the standards of this ordinance.
 - D. If a certified survey finds a parcel to be smaller than was described, and the difference is 5% or more of the required size, then that in and of itself may be considered a practical difficulty in meeting the standard for granting a variance.

- E. If a completed survey of parcels within the FAR-1, FAR-2 and FAR-3 zone districts finds a parcel to be smaller than was described, but is within 5% of the required size, it shall be deemed acceptable.
- F. After approval of the application, the applicant must file the necessary deed(s) and documents with the Cook County Recorder within twelve months to complete the subdivision process. The Zoning Administrator is authorized to extend that period of time for Torrens property. New administrative subdivision approved lots do not become legal lots of record until the deeds creating said lots are filed with the County Recorder. If the deed(s) are not recorded for the new lot(s) prior to an ordinance revision that makes any of the lot(s) approved through this process nonconforming, your application approval will be null and void, and a new application will have to be processed in accordance with any new ordinance requirements.

Section 5 – Standard Plats

5.1 Any subdivision of land not eligible for subdividing as an Administrative Subdivision shall be subdivided through the standard plat process.

5.2 Density of Development

The County may require a lower base density for Standard Plats when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.

5.3 Concept Plan Meeting

Prior to filing the application for the Preliminary Plat, the Subdivider shall schedule a meeting with Cook County Planning and Zoning staff to review the concept of the project. The Subdivider shall provide the staff with three copies of the subdivision concept plan. The concept plan meeting is not a part of the plat application. Concept plans shall include the following:

- A. A written description of the intent and ultimate purpose and use of the subdivision.
- B. A drawing including the following:
 - 1. Topography (minimum of 10-foot contours);
 - 2. Soil types, and characteristics;
 - 3. Hydrologic features including surface water bodies, wetlands and drainage ways;

4. Vegetation of the site;
5. A description of current land use and structures on the land, and all encumbrances, such as easements or covenants;
6. All roads, property boundaries, and property use within one-half mile of the tract including any significant environmental, historic, or recreation features;
7. An outline of any land area to be protected as parkland and land area to be developed for housing and the acreage for each area;
8. All known or anticipated future roads on or adjacent to subject property; and
9. An outline of the areas proposed for stormwater management and sewage treatment.

C. If project is to be done in phases, proposed future phases shall be illustrated.

5.4 Preliminary Plat

- A. Submission Information will include five full size copies of the preliminary plat and 23 copies that are 11-inch by 17-inch in size containing:
 1. Vicinity map showing the location of the subdivision;
 2. Boundary survey;
 3. Ties to subdivision lines or existing platting;
 4. Legal description and
 - a. Name, address and phone number of owner/Subdivider,
 - b. Name, address and phone number of surveyor,
 - c. Proposed name of plat;
 5. Scale, date and north orientation;
 6. Location of proposed Roads, rights of way, width, curve radii, radius and length of cul-de-sacs, grades where grade exceeds 8%, angle of intersections of all existing and proposed roads;
 7. Description of all easements for utilities, Roads, walkways, drainage, or other services within the subdivision or for access to it. Agreements from appropriate agencies for provision of road access, public utilities and fire protection. Description of water source and plan for distribution;
 8. Lot and Block layout with consecutive lot numbering, acreage lot dimensions, and setback lines;
 9. Topographic contours at 10-foot intervals showing a lake, watercourse, bluff and steep slope;
 10. Road plans and parking area plans;
 11. Areas set aside for other uses including but not limited to outlots, parks, sewage treatment;
 12. Stormwater and Erosion and Sediment Control Plan (construction and operation);
 13. Wetland delineation to State minimum requirement;
 14. Adjacent areas (name if platted)/ Names of adjacent land owners;
 15. Proposed Homeowners Association agreement;

16. House location, buildable lot area, septic system locations; If collector systems will be used, include the design specifications and draw the layout and absorption areas for the entire system on the plat;
17. Evidence of proposal submission to township if proposed plat is located within a township;
18. Other documents and information as may be requested by the County for specific use or land condition;
19. Fire protection plan, i.e. access for emergency vehicles, vegetation clearing requirements, evacuation plan, roofing materials, etc;
20. Evidence of application for appropriate permits, state and federal; and
21. Summarize general zoning requirements on face of plat.

B. Application procedure

The required information must be submitted to the Zoning Administrator, along with the required fee. The Zoning Administrator may request additional or clarifying information. The Zoning Administrator shall distribute one copy of the preliminary plat to the following, affording them the opportunity to comment on the proposed plat:

1. Each Planning Commission member (seven copies);
2. Zoning Administrator;
3. Environmental Health Specialist;
4. County Highway Engineer;
5. MNDOT if on a state or federal highway;
6. Town Board – if in a township;
7. City Counsel – if within two miles of a municipality;
8. County Attorney;
9. School District;
10. Utility Commission or Provider;
11. MNDNR in Shoreland;
12. USFS or MNDNR where road access and maintenance agreements are needed;
13. Area Hydrologist;
14. County Recorder;
15. County Surveyor;
16. Soil and Water; and
17. Water Planner.

C. Report of the County Surveyor and County Highway Department

The County Surveyor and the County Highway Engineer may submit comments to the County Planning Commission concerning the proposed plat and its conformance with the requirements of this Ordinance.

D. Notification and Public Hearing

Upon receipt in proper form of complete application, the Cook County Planning Commission shall hold at least one public hearing on the Preliminary Plat in a location to be prescribed by the Zoning Administrator. At least 10 days in advance of the hearing, notice of the time and place of such hearing shall be published in the official paper of the County. All property owners within one-half mile, the Town Board, the County Highway Engineer, and when required, the Minnesota Department of Natural Resources and the Minnesota Department of Transportation shall be notified as to the time and place of the hearing. Following preliminary approval by the Planning Commission the preliminary plat will be brought before the County Board for their approval.

Approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed to the final plat. This approval, unless the Planning Commission grants an extension, shall be effective for a period of one year, extendable to two years if so approved by the County Board. The Subdivider may file a final plat limited to such portion of the preliminary plat that he/she proposes to record and develop at the time, provided that such portion conforms to all requirements of this Ordinance.

5.5 Final Plat

- A. The following information shall be submitted to the Zoning Administrator in for the processing of a final plat:
 1. Five standard size copies of a final plat and 13 copies 11-inch by 17-inch in size, the standards of the survey must meet the acceptable standards of practice of the State of Minnesota;
 2. Three copies of a final stormwater management plan that meets County requirements;
 3. An up to date title opinion or title commitment; and
 4. All government corner locations (not previously recorded) shall be monumented, and certificates of government corner locations, together with the resurvey information and section breakdown necessary to determine the boundaries of the proposed plat shall be identified on the plat, and filed with the County Recorder.

- B. After the preliminary plat has been approved, the final plat may be prepared incorporating the requirements of the Final Plat Checklist (see appendix). Copies will be distributed for review to:
 1. Zoning Administrator;
 2. Planning Commission;
 3. County Recorder's Office;
 4. County Assessor's Office;
 5. County Auditor's Office;
 6. County Surveyor;

7. County Attorney; and
8. Emergency Services Coordinator.

C. Approval of the Planning Commission

The final plat shall be submitted to the County Planning Commission at least 30 days prior to a Planning Commission meeting at which consideration is requested. The Planning Commission shall act on each plat submitted within 60 days of submission of all requested information. In case the plat is disapproved, the Subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

The Planning Commission may act on a Preliminary Plat and Final Plat at the same meeting, provided the Preliminary Plat had been heard and tabled at a previous meeting.

D. County Board Approval

After review and approval of the Final Plat by the Planning Commission, such Final Plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for action. The County Board shall act on each plat recommended by the Planning Commission within 60 days after submission to the County Board.

If accepted, the Final Plat shall be approved by resolution. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board and reported to the Subdivider.

E. County Attorney Review and Approvals

The plat as well as an abstract or certificate of title shall be submitted to the County Attorney together with any additional information requested by the same.

F. Recording

If approved, and upon obtaining necessary signatures, the Final Plat shall be recorded in the office of the County Recorder and/or register of titles in accordance with the guidelines established by the Cook County Recorder.

Section 6 – Open Space Subdivision

6.1 Purpose and Intent

The purpose of the Open Space Subdivision is to allow the creation of lots which place structures, such as houses, in closer proximity to each other than would be allowed in a given zoning district, in order to set aside open space.

An Open Space Subdivision is permitted when a minimum of 50% of the land area of the subdivision is preserved as open space and a concept plan is submitted to the County, which meets the standards for an open space subdivision. The density of development shall remain the same as that allowed by zone district regulations, but greater alternatives for land use design become possible. Road access is simpler; utility and service-access to lots can be less expensive; collector sewer and water systems are possible; wetlands, forested areas, and difficult terrain can more easily be avoided or preserved; and areas most suitable for recreation and scenic views can be preserved.

6.2 Requirements

- A. Density of Development: Open Space Subdivisions shall require the density of development to be no greater than the prevailing density of the existing zone district. For developments that are located in more than one zone district, the density of development may be transferred between zone districts. However, in no case shall the density of development in shoreland areas exceed the maximum density allowance established by calculating the minimum lot width and area requirements of the Minnesota Department of Natural Resources, Shoreland Regulations and the Cook County Zoning Ordinance. Flexibility in the location and size of individual lots shall be allowed.

The County may require a lower base density for Open Space Subdivisions when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.

- B. Open Space Preservation: Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means as determined by the County, must be provided to assure long term preservation of open space. The instruments must include protections for at least the following:
1. Significant vegetation, natural habitats, wetlands, scenic areas, historic values, topography or other values for which the open space was set aside;
 2. Consistency with open space use plans and landscape preservation standards or plans; and
 3. Open space recreation plans.
- C. Subdivision Owners Association: Creation of an owners association shall be required for all Open Space Subdivisions. The following shall be required as part of the owners association:

1. Membership shall be mandatory for each lot owner and any successive owner;
 2. Each member shall pay a pro-rata share of the associations expenses, and unpaid assessments shall become liens on lots; and
 3. The association shall be responsible for insurance and taxes on commonly owned property and facilities.
- D. Open Space Requirements: Open Space Subdivisions shall contain at least 50% open space, which must exclude Lots upon which dwellings are located, Road rights-of-way, parking areas, developed areas or land cover. Open Space must meet all the following criteria:
1. Open space must include, when present, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 2. Open space may include outdoor recreational facilities for use by owners of Dwelling units or sites, and by the general public;
 3. open space may include sewage treatment systems if the use of the treatment space is restricted to avoid adverse impacts on the systems; and
 4. In Shoreland areas, the area within 50 feet of the Ordinary High Water Level must be included as open space.
- E. Centralization of Sewage Treatment and Water Supply Facilities: The Subdivider of Open Space Subdivisions shall evaluate the feasibility of designing and installing centralized or cluster systems for water supply and sewage treatment.

Each subdivision shall contain an area equivalent to a minimum of two sites for the installation of a primary and secondary sewage treatment system for each lot created. The location of these sites may be as a collector system, cluster system or individual systems, or any combination of alternatives that meet the intent of the regulations.

F. Minimum Setbacks:

10 feet for all interior lot lines; Consistent with zoning classification from all plat exterior boundary lines.

G. Minimum Lot Area:

One acre

H. Minimum Lot Width:

150 Feet

I. Maximum Lot Coverage:

10%

J. Application Requirements:

The applications shall follow the same procedure as a standard plat, including the Concept Plan Meeting, and the information requested for the preliminary and final plats, except for Administrative Subdivisions that utilize the standards and requirements for Open Space Subdivisions, which will be processed in the manner described in Section 4 of this Ordinance. In addition the following information will be required:

1. Open space location and use;
2. Percentage of open space; and
3. Proposed method of open space preservation.

Section 7 – Planned Unit Development

7.1 Purpose

Planned Unit Developments allow the subdivision of land into smaller lots than would typically be allowed. Planned Unit Developments allow the County to relax any other performance standards contained herein, or in any other official controls that may apply. They provide a public benefit by allowing construction to be clustered in one part of the property. Utility services can be delivered more efficiently and natural resources are protected. The lot owners can enjoy the use of vacant land for recreation, screening, or any other purpose consistent with the development restrictions in place. The layout can be designed to allow public and private services to be delivered more efficiently than other plats. A Planned Unit Development shall be classified as either a residential or commercial planned unit development according to the definitions in Section 2.

7.2 Restrictions

- A. A conditional use permit is required for the entire project before a Preliminary Plat for the whole or any part can be brought forward. Shared ownership of septic systems with a professional maintenance and management system is required, as well as the dedication of at least 50% of the land as dedicated open space.

Density must not exceed a total of 3,000 square feet of inside living space per acre of entire parcel. The density may be increased up to 4,500 square feet of inside living space provided that the following conditions are met:

1. At least 60% of the overall acreage of the property is dedicated as open space; and
2. In shoreland, a minimum of 40% of the lot width at twice the structure setback line is dedicated as open space.

The County may require a lower base density for Planned Unit Developments when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.

- B. For Commercial Planned Unit Developments, additional inside space may be allowed up to 450 square feet per acre for commercial, retail or recreational purposes.
- C. Residential Planned Unit Developments may be placed in the following zone districts:
 - 1. Lake Shore Residential;
 - 2. Resort Commercial/Residential; and
 - 3. Single Family Residential Districts.
- D. Commercial Planned Unit Developments may be placed in the following zone districts:
 - 1. General Commercial; and
 - 2. Resort Commercial/Residential.

7.3 Open Space Preservation

Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means as approved by the County must be provided to ensure long-term preservation and maintenance of at least 50% of the total project area. The instruments utilized to preserve open space must include all of the following protections for open space areas:

- 1. Commercial uses prohibited;
- 2. Vegetation and topographic alterations other than those vegetation and topographical alterations consistent with the landscape plan and runoff and erosion control plan shall be prohibited;
- 3. Construction of buildings, storage of watercraft, vehicles and other materials prohibited;
- 4. Beaching of watercraft is prohibited;
- 5. Building lots, roads including right-of-ways, septic treatment systems, land covered by impervious surfaces or parking areas which are determined by the County to be impervious are prohibited;
- 6. Open space may include outdoor recreation facilities such as trails or picnic areas;
- 7. In shoreland, at least 25% of the lot width at the structure line must be open space;
- 8. In shoreland, 75% of the shore impact zone must be included as open space. The remaining 25% of the shore impact zone can be used for unrestricted

- open space uses such as boat storage, beach or boat launch areas. This area will not be included in the 50% dedicated open space calculation; and
9. Significant vegetation, natural habitats, wetlands, historic values, or areas unsuitable for development in their natural state shall be evaluated for preservation.

7.4 Homeowner's Association

Unless an equally effective alternative community framework is established, as determined by the County, all multiple ownership planned unit developments must use an owners association with the following features:

1. Membership must be mandatory for all individual owners and any successive purchasers;
2. Each member must pay a proportionate share of the association's expenses, and unpaid assessments can become liens on units or sites;
3. Assessments must be adjustable to accommodate changing conditions; and
4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

7.5 Conditional Use Permit Application

The application for a conditional use permit will include the following documents:

1. Map of the property under consideration, including property boundaries, 10-foot topography contours, on-site features, roads, lakes, rivers and other relevant features;
2. Map drawings including building locations on site and elevations, proposed uses, number of owner units, and a floor plan for all structures;
3. A concept statement describing how development will be managed & owned, any planned rental of units, and phases, if proposal is to be staged;
4. Parking areas and driveways for both commercial and residential activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of development;
5. Proposed fire protection;
6. A description of current land use and structures on land and all encumbrances, such as easements or covenants;
7. Open space location, acreage, proposed use, and method of protecting space;
8. Landscape plan showing existing vegetation, proposed alterations, areas proposed for stormwater management;
9. Soil types, and characteristics, such as depth to water table or ledge rock as needed for septic treatment design and hydrologic features including surface water bodies, wetlands and drainage ways;
10. Sewage treatment system location and alternate site location, along with plans;
11. Erosion control plan;
12. Information about availability of public utilities;

13. Proposed homeowners association agreement including any deed restrictions, covenants, easements, etc;
14. Water sources and water supply system plans;
15. Evidence of application for appropriate permits, state and federal; and
16. Those additional documents as required by the county.

The conditional use application is not part of the plat application.

7.6 Preliminary Plat

A. Submission Information

All information required to be submitted for Standard Plats is required to be submitted with Planned Unit Developments. In addition the following is required:

1. A calculation of lot density proposed for subdivision, including number of units, number of bedrooms, number of possible rental units;
2. A narrative from the applicant as to the rationale behind the proposed layout and open space; and
3. An itemized list of all documents, agreements and action necessary to be completed prior to recordation of the final plat, including the requirements regarding open space management and shared sewer system management.

B. Procedure

The procedure to be followed is that listed under Standard Plats.

7.7 Final Plat

A. Submission Information

All information required to be submitted in for Standard Plats is required to be submitted with a Planned Unit Development.

B. Procedure

The procedure to be followed for final plat is that listed for Standard Plats.

C. Developer's Agreement

The Developer and County shall enter into a developer's agreement acceptable to the County for all subdivisions prior to the granting of final approval of the development, with the exception of Administrative Subdivisions.

7.8 Design Standards

As part of the plat review process, Planned Unit Developments shall be evaluated for compliance with the following design standards in order to help meet the goals of Cook County:

- A. Housing lots shall be located to minimize their impact on the natural, scenic, economic and cultural/historical resources of the site, and shall adhere to the following provisions:
 - 1. Lots shall minimize inclusion of wetlands and woodlands;
 - 2. As many lots as possible shall avoid locating near high traffic roads;
 - 3. Lots shall take access from interior streets rather than perimeter roads; and
 - 4. Lots shall be located adjacent to open space areas and near trail accesses.

- B. Open space areas shall be designed to the greatest extent possible to:
 - 1. Protect the sites significant resources;
 - 2. Connect with exiting or potential open space areas on adjacent tracts;
 - 3. Connect with existing and future planned public trail and recreation systems; and
 - 4. Provide a buffer to minimize incompatible land uses.

7.9 Water and Sewer Systems

- A. Water may be provided by individual on-site wells, or by one or more community wells in open space areas, meeting all Minnesota Department of Health requirements.

- B. All Planned Unit Developments shall be designed with adequate sewage treatment facilities that meet Minnesota Pollution Control Agency Chapter 7080 standards as well as the following:
 - 1. For Planned Unit Developments of five lots or less, individual sewage treatment systems or a combination of individual and jointly used systems may be used if collectively owned and managed; and
 - 2. Applications requesting more than five individual sewage treatment systems shall only be considered if the applicant can clearly demonstrate an engineering or geographical hardship.

- C. Planned Unit Developments shall submit a sewage management plan to Cook County Environmental Health that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:
 - 1. The owner(s) of the shared sewage system;
 - 2. An annual schedule for maintenance, inspection and monitoring of the shared sewage system;
 - 3. A contingency plan in the event of failure of the shared sewage system;

4. A provision describing how the sewage treatment portion of the system will be protected from vehicles, animals, human and other sources of risk;
5. Assignment of responsibility for the management and payment of the shared system;
6. The name and license number of the system's designer; and
7. Clearly describe the sewer design, and or contingency plan and what collection and treatment technologies will be used to insure system longevity and groundwater protection.

7.10 Conversions

- A. Local governments may allow existing resorts or other land uses and facilities to be converted to Planned Unit Developments if all of the following standards are met:
 1. Proposed conversions must be initially evaluated using the same procedures for Planned Unit Developments involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
 2. Deficiencies involving water supply and sewage treatment, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
 3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - (1) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - (2) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - (3) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 4. Existing site densities that exceed standards in Section 7.2 (A) and (B) may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Section 8 – General Regulations

8.1 Design Standards

The following design standards shall apply to all standard plats of land except as may be expressly modified by the terms of this Ordinance:

- A. The minimum lot area, lot width, and Lot depth shall conform to the requirements of the zoning district in which the plat is situated as required by the Cook County Zoning Ordinance. Corner lots shall be platted at least 15 feet wider than the minimum width required.
- B. Corner Lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Cook County Zoning Ordinance.
- C. Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.
- D. Double frontage Lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 15 feet in order to allow space for screen planting along the back of lot line.
- E. Every Lot created that is adjacent to a road shall have the minimum required frontage with legal access. The minimum required frontage shall be the lot width requirement for the applicable zoning district, and or plat. If there is a significant curve in the road, or the lot is located on a cul-de-sac, then the public road frontage may be measured at the setback line.
- F. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required. Blocks for business or industrial use should not exceed 600 feet in length.
- G. Any proposed plat within one mile of a school whose primary enrollment is kindergarten through eighth grade must consider a safe walking and bicycling environment for children.

8.2 Developer's Agreement

- A. The Developer and County may enter into a developer's agreement acceptable to the County for all subdivisions prior to the granting of final approval of the development, with the exception of Administrative Subdivisions.

Section 9 – Roads and Shared Driveways

9.1 General

- A. When a proposed road does not connect directly with an existing County Road, the property owner must receive permission from the County Commissioners prior to receiving preliminary approval from the Zoning Administrator or Planning Commission to proceed with a plat or lot division. Approval of subdivisions may be conditioned upon meeting legal access requirements as set forth by the County Commissioners.

If no adequate road system exists on adjacent land, the Subdivider may be required by the County to acquire, design, and construct roads both within and outside the plat to provide access to the presently existing County road system or state highway.

- B. The arrangement of roads shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to storm water run-off, to public safety, and shall be designed not to cause hardship to owners of adjoining property in providing convenient access to their land.
- C. Dead end roads and cul-de-sacs may be permitted by the County provided the following conditions are met:
1. There must be adequate turn-around space for emergency vehicles at the end of the road or cul-de-sac;
 2. The right-of-way for the road should, where feasible, be extended to the property line to facilitate future development of adjacent properties;
 3. Looping of the road is impractical or unfeasible;
 4. Design of the road is consistent with the requirements of the State Fire Marshall and the International Fire Code; and
 5. The road or cul-de-sac is less than the greater of 16 lots or 1400 feet in length.
- D. Where the plat to be submitted includes only part of the tract intended for development by the Subdivider, a tentative plan of a proposed future road system for the un-subdivided portion shall be prepared and submitted by the Subdivider.
- E. If possible, roads shall intersect at right angles, except where topography or other conditions justify variations. The minimum angle of intersection should be 70 degrees. Road intersection jogs with an offset of less than 125 feet shall be avoided.

- F. Wherever the proposed subdivision contains or is adjacent to a State or Federal Highway an acceptable access agreement will be reached with MNDOT.
- G. For all public ways hereafter dedicated, the minimum right-of-way widths shall be as recommended by the County Highway Engineer.
- H. The minimum right-of-way width for roads included in any subdivision shall be:

<u>Type of Road</u>	<u>Right of Way Width</u>
Up to 9 lots (<i>With No Future Development</i>)	50 Feet
10 to 15 Lots	66 Feet
Over 15 Lots	66 Feet
Collector Road	66 Feet

Where dictated by traffic, topography or future needs, the County may require additional right-of-way dedication. Costs of increasing the road top to accommodate developments beyond existing lots shall be borne by the Subdivider of the proposed new lots.

- I. Street Grades and alignment: The grades and alignment standards on roads in any subdivision may be commented on by the County Engineer based on the Road Design Manual, State of Minnesota Department of Transportation. The maximum grade for roads shall be 12%.
- J. Any private road approved by the County Board of Commissioners shall be constructed in accordance with the standards set forth in this Ordinance unless additional variances are approved. No private road shall be approved unless specific mechanisms for road maintenance have been approved by the County Board of Commissioners.
- K. Subdivisions with 23 lots or more shall have two or more accesses where feasible. When counting lots under this provision, all existing and proposed lots shall be counted.
- L. The layout and design of private roads is the responsibility of the Subdivider and should allow for the access of emergency service vehicles.

9.2 Road Design

All road plans shall include:

1. All road plans shall include plan drawings. Profile drawing shall be prepared if requested by the planning commission;
2. A typical Cross-section of the road;

3. Existing roadway conditions, cuts, fills, slopes, grades and right-of-way widths;
4. Drainage design and plan including:
 - a. Culvert size and placement; and
 - b. Erosion control during construction, a permanent erosion control plan for after construction; and
5. Any other information required by the Planning Commission necessary for adequate evaluation of the project.

9.3 Performance Standards - the following minimums shall be required for the above roads:

A. Up to 5 Lots

1. Surface Width20 Feet or 18 Feet with turnouts every 300 feet.
2. Finished Roadbed.....22 Feet
3. Surface Thickness and Type.....2 Inches – Class V
4. Base Material4 Inches gravel on stable subbase
5. Excavation & Embankment Slope3:1
6. Minimum Ditch Grade.....5%
7. Right of Way Setback10 Feet

B. 6 to 15 Lots

1. Surface Width20 Feet
2. Finished Roadbed.....22 Feet
3. Surface Thickness and Type.....2 Inches – Class V
4. Base Material4 Inches gravel on stable subbase
5. Excavation & Embankment Slope3:1
6. Minimum Ditch Grade.....5%
7. Right of Way Setback10 Feet

C. Over 15 Lots

1. Surface Width22 Feet
2. Finished Roadbed.....24 Feet
3. Surface Thickness and Type.....2 Inches – Class V
4. Base Material4 Inches gravel on stable subbase
5. Excavation & Embankment Slope3:1
6. Minimum Ditch Grade.....5%
7. Right of Way Setback10 Feet

D. Collector Roads

1. Surface Width24 Feet
2. Finished Roadbed.....32 Feet
3. Surface Thickness and Type.....2 Inches – Bituminous
4. Base Material10 Inches gravel - Class V
5. Excavation & Embankment Slope3:1
6. Minimum Ditch Grade.....5%
7. Right of Way Setback10 Feet

E. Additional Road Design Requirements

1. Maximum Profile Gradient.....12%
2. Maximum Ditch Bottom Width.....4 Feet
3. Shoulder to Ditch Separation2.5 Feet
4. Back Slope.....Variable

F. Design Strength Criteria by Soil and Underlying Roadway – Seven Ton

Surface Type	Granular Soils As Defined By MN/DOT Specification 3149A	All Other Soil Types
Aggregate	11 Inches	19 Inches
Paved	5 Inches Aggregate Base; and 3 Inches Bituminous	13 Inches Aggregate Base; and 3 Inches Bituminous

G. Gravel Driving Surfaces Shall Be Considered Stabilized if They Meet:

1. Minnesota Department of Transportation Specification 3138, Class 5, except that the County Engineer reserves the right to eliminate the 10% crushing requirement where crushed material is not available; or
2. Minnesota Department of Transportation Specification 3138, Class 1 if specified by the County Engineer.

9.4 Shared Driveways

- A. The minimum right of way for all shared driveways shall be 50 feet in width.
- B. For Administrative Subdivisions the Subdivider shall acquire the right of way and design the layout of any shared driveway, and may or may not construct it. All newly created shared driveways shall have a 50-foot right of way established, the area of which may be included in the minimum lot size calculation.

Section 10 – Easements

10.1 The following provisions shall apply to any easements created in conjunction with any subdivision process detailed within this ordinance:

- A. An easement for utilities at least 10 feet wide shall be provided along the side line of lots, front line and/or rear lot line of lots where necessary to form a continuous right-of-way. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the County Board, by ordinance, upon the recommendation of the Planning Commission.

- C. Additional easements for pole guys should be provided at the outside of turns if utilities are not buried.
- D. If a subdivision contains a water course, drainage way, channel, lake or stream, then a stormwater easement, drainage right-of-way or park dedication may be required. The planning commission shall determine which method of water course protection is most appropriate taking into consideration watershed drainage calculations by Cook County Water and Soil.

Section 11 – Outlots

- 11.1 Lots in a plat, planned unit development or other subdivision of land may be designated as an Outlot when:
 - A. The landowner intends to develop the subdivision in phases;
 - B. The proposed outlot is to be owned by all other lot owners under an owner's association;
 - C. There is a dispute on a boundary line with an adjoining landowner, and the land is placed in an outlot to allow the proposed subdivision to be presented before the Planning Commission and other governmental bodies for action; or
 - D. The land is to be dedicated to the public for future public uses. For example, a stub road to the adjacent lands for the purpose of future development, a pathway for connection to state trails, etc.

Section 12 – Stormwater Drainage

- 12.1 To protect the water quality of, and minimize water quantity changes to all Cook County waters from stormwater runoff created during and after the process of developing a residential, commercial or industrial subdivision, a stormwater management plan will be required.
- 12.2 All subdivisions provided for in this ordinance shall be in conformance with all pertinent provisions of the Cook County Stormwater Ordinance.
- 12.2 Subdividers and contractors will implement "Best Management Practices" (BMP'S), as defined by the State of Minnesota, in all subdivisions. BMP's shall be used during grading and construction of all stages of the development, including construction on individual building sites.

- 12.3 If a method of storm water management is used that will require maintenance, a plan shall be submitted indicating how the system will be maintained and who will be responsible for maintenance.
- 12.4 Some or all of the following may be required by the Zoning Administrator, Planning Commission, or County Board during the process of plat approval:
1. A temporary erosion and sediment control plan;
 2. A permanent erosion and sediment control plan; and
 3. Identification of who will be responsible for implementing and managing the temporary and permanent erosion and sediment control plans.

Section 13 – Monuments

- 13.1 Steel or aluminum monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. All Federal, State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Section 14 – Violations and Penalty/Enforcement

- 14.1 Any person violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than \$1,000.00 and/or by a commitment to jail for a period not to exceed 90 days. Each day during which compliance is delayed shall constitute a separate offense.

The County may take whatever action it deems necessary and appropriate to enforce the terms of this Ordinance. Enforcement may include, but is not limited to injunctive relief.

Section 15 – Validity

- 15.1 Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

All subdivisions receiving preliminary approval under the previous regulations or receiving preliminary approval within 30 days of effectuation may continue under the requirements set forth under the prior existing regulations, provided final plat approval is received within one year of effectuation of this Ordinance.

15.2 Should the terms of this Ordinance conflict with any other official control of the County, or the North Shore Management Plan, the official control of Plan providing the greater restriction shall apply.

Section 16 – Effective Date

This Ordinance shall be in full force and effective from and after its publication, public hearing, passage and recording according to Minnesota Statutes, Chapter 375.51.

Passed and approved this 11th day of July, 2006

Janice Hall, Chair, Cook County Board of Commissioners

Attest: Braidy Powers, Cook County Auditor

Final Public Hearing Held at the Cook County Courthouse on July 11, 2006.

Amended on: November 23, 2010
November 22, 2011
May 22, 2012
July 23, 2019
May 23, 2023

Latest major amendment was adopted on May 23, 2023:

Section 1- General Provisions

1.5 - Procedures

D. An up to 5% shortage in dimensions or area may be considered a **hardship** [practical difficulty](#) by the Board of Adjustment.

Section 2 - Definitions

2.17 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 50% of the required structure setback.

Section 4- Administrative Subdivision

4.1 E. The parcel sought to be subdivided has not been created [from a parent parcel that has been subdivided to the maximum of four parcels](#) within the last two years, unless the parcel was created by decree, or pursuant to court order.

4.4 Administrative Subdivision Procedure

D. If a **completed** [certified land](#) survey finds a parcel to be smaller than was described, and the difference is 5% or more of the required size, then that in and of itself may be considered a **hardship** [practical difficulty](#) in meeting the standard for granting a variance.

- F. After approval of the application, the applicant must file the necessary deed(s) and documents with the Cook County Recorder within ~~six~~ [twelve](#) months to complete the subdivision process. [The Zoning Administrator is authorized to extend that period of time for Torrens property.](#) New administrative subdivision approved lots do not become legal lots of record until the deeds creating said lots are filed with the County Recorder. If the deed(s) are not recorded for the new lot(s) prior to an ordinance revision that makes any of the lot(s) approved through this process nonconforming, your application approval will be null and void, and a new application will have to be processed in accordance with any new ordinance requirements.

Commissioner Mills moved the adoption of the amendments to this Ordinance, and Commissioner Storlie duly seconded the motion, and it was adopted on the following vote:

Yeas: White, Hawkins, Mills, Sullivan, Storlie

Nays: None

Absent: None

Appendix

A. Documents to reference that help in the administration of this ordinance include:

- Plat Manual of Minimum Guidelines, Third Edition, Minnesota Society of Professional Surveyors, 5300 S. Park Drive, Savage, MN 55378, April 1987;
- Cook County Plat Manual;
- Condominium Plat Manual of Minimum Guidelines, Minnesota Association of County Surveyors and Minnesota Society of Professional Surveyors, October 1990;
- Common Interest Community Plat Manual of Minimum Guidelines, Minnesota Association of County Surveyors and Minnesota Society of Professional Surveyors, August 2000;
- Geometric Design of Very Low Volume Local Roads, 2001; and
- County Highway Right-of-Way Plat Manual of Minimum Guidelines, First Edition, Minnesota Association of County Surveyors Minnesota Society of Professional Surveyors, March 1994 will be reference materials.