ORDINANCE NO. O2021-023

AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA AMENDING SHAKOPEE CITY CODE CHAPTER 151.110, ZONING PERFOMANCE STANDARDS – GRADING, FILLING AND EXCAVATIONS

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1. Chapter 151.110 of the Shakopee City Code is amended to read as follows:

CHAPTER 151: ZONING – PERFORANCE STANDARDS

151.110 GRADING, FILLING AND EXCAVATIONS

A. *Definition*. The term **GRADING** as used in this section means any excavating, grading, filling, or any other change in the earth's topography involving disturbing 5,000 square feet or more; or removing, importing, or moving more than 50 cubic yards of soil, dirt, or similar materials.

B. *Grading associates with development.* Grading that is proposed to be done in contemplation of, in connection with, or in any manner associated with, the development, subdivision, or platting of land, may only be undertaken after a grading permit has been approved and issued by the City Engineer pursuant to an approved preliminary plat, planned unit development, or conditional use permit. Any such grading must be done in accordance with the plans as approved by the City Engineer.

C. *Other grading.* Grading that is not associated with development may only be done after the grading plans have been approved by the City Engineer and after the issuance of a grading permit by the City Engineer. Any such grading must be done in accordance with the plans as approved by the City Engineer.

D. *Conditional use permit required*. A conditional use permit is required for grading or vegetation alteration in a designated floodplain or designated Shoreland Overlay Zone.

E. *Exceptions to grading permit requirement.* A grading permit is not required for the following activities, except as may be required by other chapters of this code of ordinances, state statutes or rules, or federal law:
    1. Earthwork that will result in removing, importing, or moving less than 50 cubic yards of soil, dirt, or similar material that does not take place in any designated floodplain or Shoreland Overlay Zone;
    2. Removal of trees that are storm damaged;
    3. Agricultural activities; or
    4. Grading or tree removal that has been approved and authorized pursuant to a Woodland Management Plan subject to § 151.113, or a building permit properly issued under Ch. 111.

F. *Grading permit submittal requirements.* No grading permit will be issued until the applicant:
    1. Pays the grading permit fee set forth in the city's most recently adopted fee schedule;
    2. Submits a complete grading permit application in a form approved by the City Engineer;
    3. Submits all plans, drawings, and calculations required by the City Engineer;
    4. Obtains approvals or permits required by other governmental entities;
    5. Provides the city with a certificate of general liability insurance with limits of at least the amounts established by M.S. § 466.04, as it may be amended from time to

time, and naming the city as an additional insured for all work to be done as part of the grading; and

6. Provides the city with a cash deposit or a letter of credit in a form approved by the City Attorney in the amount of 125% of the estimated costs for installation and construction (including the costs of city inspection and administration) of all erosion control devices and site restoration, or $1,000 per disturbed acre, whichever is higher.

(2013 Code, § 11.60) (Ord. 1, passed 4-1-1978; Ord. 31, passed 10-25-1979; Ord. 96, passed 11-11-1982; Ord. 132, passed 9-22-1983; Ord. 158, passed 1-31-1985; Ord. 246, passed 6-17-1988; Ord. 253, passed 10-14-1988; Ord. 259, passed 11-11-1988; Ord. 272, passed 8-25-1989; Ord. 338, passed 8-6-1992; Ord. 377, passed 7-7-1994; Ord. 434, passed 11-30-1995; Ord. 430, passed 2-1-1996; Ord. 790, passed 3-20-2008; Ord. 815, passed 3-26-2009)

Adopted in regular session of the City Council of the City of Shakopee, Minnesota held this 21 day of September, 2021.

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Mayor of the City of Shakopee

Attest:

_____,
City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2021.