

# Zoning Ordinance



December 30, 2008

# CHISAGO COUNTY ZONING ORDINANCE

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Effective Date: December 30, 2008

# CHISAGO COUNTY ZONING ORDINANCE

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# CHISAGO COUNTY ZONING ORDINANCE

## ORDINANCE NUMBER 08-3

AN ORDINANCE RELATING TO, AND REGULATING THE USE OF LAND, THE LOCATION, SIZE, USE AND HEIGHTS OF BUILDINGS; THE ARRANGEMENT OF BUILDINGS ON LOTS; THE DENSITY OF POPULATION; THE USE OF NATURAL RESOURCES; AND THE PRESERVATION OF ENVIRONMENTAL RESOURCES FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE OF CHISAGO COUNTY.

The COUNTY of CHISAGO does ordain as follows:

### **SECTION 1. TITLE**

This Ordinance shall be known, cited and referred to as the CHISAGO COUNTY ZONING ORDINANCE except as referred to herein, where it shall be known as "this Ordinance." The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within Chisago County, Minnesota that do not lie within any incorporated municipality. Within those townships wherein a permanent zoning and building code is in effect, any control, regulation or prohibition in the Ordinance which is more restrictive shall apply.

### **SECTION 2. PURPOSE**

It is the purpose of this Ordinance to provide for and protect the public health, safety, and general welfare through the following objectives:

- A. To prevent the overcrowding of land.
- B. To promote orderly growth and development of the County.
- C. To limit congestion and promote safety in the public rights-of-way.
- D. To stage development to coincide with the efficient provision of necessary public services.
- E. To establish districts and regulate therein, the location and use of structures and land.
- F. To preserve the character and maintain property values within rural, residential, business, and industrial areas of the County.
- G. To protect long term agricultural opportunities in the County.
- H. To preserve natural resources and to preserve the environmental quality of the County.
- I. To ensure that legal and appropriate building standards are met.

### **SECTION 3. DEFINITIONS**

The following words and terms wherever they occur in this Ordinance are defined as follows:

#### Accessory Storage

The cumulative storage space footprint of all accessory storage structures on a given lot, including attached and detached garages.

#### Accessory Structure

A subordinate structure which is located on the same lot on which a principal dwelling or principal commercial building is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building.

#### Accessory Use

A subordinate use which is located on the same lot on which the principal use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such main use.

#### Agricultural Building

A structure on land that is used for commercial agriculture which is designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

#### Agriculture

The use of land for growing and production of agricultural goods including: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery; sod farming; truck gardening; roadside stands; and farm animals; but not including fur farms, commercial animal feedlots and kennels.

#### Animal Feedlot

A lot or building or a group 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. Open lots used for the feeding and rearing of poultry shall be considered feedlots.

#### Animals, Domestic

For the purposes of the Ordinance, a domestic companion animal shall be defined as house pets such as dogs, cats, birds and fish which can be contained within a dwelling throughout the entire year.

#### Animals, Exotic and Wild

As defined in the Chisago County Prohibited Animal Ordinance 06-1 as prohibited animals.

#### Animals, Farm

Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, and other animals commonly accepted as farm animals in the State of Minnesota.

#### Antenna

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

Aquifer Recharge Areas

All land surface areas which by nature of their surface and or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies. All land that is not impervious is an Aquifer Recharge Area.

Basement

That portion of a building that is partly or completely below grade plane. A basement shall be considered a story above the grade plane where the finished surface of the floor above the basement is either more than six feet above grade plane or more than 12 feet above the finished ground level at any point.

Bedroom

An area that is either a room designed or potentially used for sleeping, with a minimum floor area of seventy (70) square feet, access gained from the living area, and legal means of egress.

Bluff

As defined in the Chisago County Shoreland Management Ordinance.

Bluffline

As defined in the Chisago County Shoreland Management Ordinance.

Board

Chisago County Board of Commissioners

Board of Adjustment and Appeals

A board created by the County Board of Commissioners to order the issuance of variances and to hear and decide appeals from administrative actions.

Boarding House

A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

Buildable Area

An area of land excluding slopes greater than eighteen percent (18%), surface waters, wetlands or flood plains and where the depth to mottled soils is at least one (1) foot.

Building

Any structure used or intended for supporting or sheltering any use or occupancy.

Building Height

A distance to be measured from the mean ground level to the top of a flat roof, to the highest gable on a pitched or hip roof, to the decline of a mansard roof, to the uppermost point on other roof types.

Building Line

A line running parallel with the road, lot line, ordinary high water mark or bluffline, whichever is applicable, at the required setback beyond which a structure may not extend.



### Building Setback

The minimum horizontal distance between the building and the specified line as prescribed in this Ordinance.

### Business

Any establishment, occupation, employment or enterprise where goods and materials are manufactured, exhibited or sold, or where services are offered for compensation.

### Carport

A structure used for the storage of private or pleasure-type motor vehicles where no repair work is completed or fuel is dispensed that is open on at least two sides with a floor surface of concrete, asphalt, sand, gravel, crushed rock, or natural earth.

### Channel

A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or intermittently.

### 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.

### Clearcutting

The removal of a stand of trees.

### Club or Lodge

A non-profit association of persons who are bona fide members paying some form of dues or membership fee to use the premises, with the use of premises being restricted to members and their guests.

### Cluster Development

A grouping of residential dwellings, commercial/industrial units or other uses within a specified area of the appropriate zoning district that maintains the same overall allowable density in that same district.

### Commercial Building

A building used for commercial activities. Commercial buildings include, but are not limited to, stores, offices, schools, churches, gymnasiums, libraries, museums, hospitals, clinics, warehouses, jails, motor vehicle repair shops, body shops, and cabinet shops. Government buildings are included.

### Commercial Recreation

The use of the land or building for which fees are charged for a recreational activity, or use of the land to gain access to a recreational activity or resource, public or private.

### Commercial Wireless Telecommunications Services

Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.

### Comprehensive Plan

A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the County and including a growth management plan which has been adopted the Chisago County Board.

### Communication Tower

Any tower supporting wireless communication apparatus.

### Conditional Use

A use, which because of the potential land use conflicts the use presents, requires reasonable, but special, limitations specific to the use for the protection of the public welfare and consistency with the County Comprehensive Plan.

### Congregate Living Facilities

A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

### Contractor, Home Based

A self-employed person who uses their home as the base of operations for their business but whose work takes place off the premises.

### Day Care Facility

A licensed day care facility serving 12 or fewer persons, or a group family licensed day care facility serving 14 or fewer children.

### Deck

A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a dwelling unit and extending more than one foot above ground.

### Development Covenant

A deed restriction recorded with the property involved in a development or involved with the sale or transfer of development credits. In the case of development credits, the restriction may include a permanent easement or other mechanism which removes the rights to development of all or a portion of the property.

### Development Credit

A tangible right or eligibility for development, which may be sold, exchanged or transferred, and is based upon a prescribed and approved amount of land capable of supporting development.

### Development Transfer Area

An area where development credits may be sold, exchanged or transferred to other property for development purposes. A development transfer area includes a Development Transfer Protection Area and a Development Transfer Receiving Area.

### Development Transfer Overlay District

A zoning overlay district established for a development transfer area and the transfer of development credits.

### Development Transfer Protection Area

The development transfer area in which development density is intended to be reduced and development credits are sold or transferred from.

Development Transfer Receiving Area

The development transfer area in which development density is allowed to be increased with the use of development credits transferred from the Development Transfer Protection Area.

District

A section or sections of the County for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Diversion

A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a watercourse.

Distribution Lines

Wires, generally rated below 69 kilovolts, and associated structures used to carry electricity between a customer and a transmission line.

Dormitory

A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

Drive In/Drive Through Business

Any establishment or structure where service is provided to the customer in their vehicle, or from a vehicle service window.

Dwelling

A building that contains one or two dwelling unit(s) intended or designed to be used, rented, or leased for human occupancy.

Dwelling-Single Family

Any building that contains one dwelling unit.

Dwelling-Two Family

Any building that contains two separate dwelling units with separation either horizontal or vertical on one lot

Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Earth Sheltered Buildings

Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth and the building code standards promulgated pursuant to Section 16.85 are satisfied. Partially completed buildings shall not be considered earth sheltered.

### Expansion

Any increase in a dimension, size, area, volume, or height;

any increase in the area of use;

any placement of a structure or part thereof where none existed before any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool any improvement that would allow the land to be more intensely developed;

any relocation of operations on the property; or any increase in intensity of use based on a review of the original nature, function or purpose of the use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, or other factors deemed relevant.

### Family

An individual or two or more persons related by blood, marriage or adoption; or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, hotel, dormitory, club or lodge, as herein described.

### Farm

A tract of land which is principally used for commercial agriculture.

### Flood

A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

### Flood Frequency

The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

### Flood Fringe

That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" as used in the Flood Insurance Study for the County.

### Flood Plain

The area covered by a 100-year flood event along lakes, rivers, and streams as published in technical studies by local, state, and federal agencies, or in the absence of these studies, estimates of the 100-year flood boundaries and elevations as developed according to the County's floodplain or related land use regulations.

### Floodway

The bed of a wetland or lake, the channel of a watercourse, and those portions of the adjoining floodplain that are reasonably required to carry the regional flood discharge.

### Floor Area

The floor area from the outside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The floor area shall not include shafts with no openings or interior courts.

### Garage - Private

An accessory structure or accessory portion of the principal structure which is intended for and used to store the private passenger vehicles of the residents

### Garage - Public

A building or portion of a building, except as herein defined as a private garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal traffic.

### Grade (Adjacent Ground Elevation)

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

### Habitable Living Space

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable living space.

### Harbor

A portion of a body of water along or landward of the natural shoreline deep enough for recreational watercraft navigation, and so situated with respect to shoreline features as to provide protection from winds, waves, ice and currents. Natural harbors consist of bays and estuaries, while artificial harbors are constructed by dredging.

### Home Occupation

Any occupation carried on by a homeowner or family member residing on the premises, such that the use is incidental and secondary to the use of the dwelling for dwelling purposes, that it does not change the character of the dwelling or neighborhood and that no appreciable increase in traffic is generated. Not more than one-third of the dwelling's floor area shall be occupied by the occupation.

### Hotel

A building containing eight (8) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

### Impervious Surface

An artificial or natural surface through which water, air, or roots cannot penetrate, including structures, concrete and bituminous, but excluding permeable gravel surfaces.

### Kennel, Commercial

Any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic companion animals are housed, bred, boarded or trained.

### Kennel, Residential

Any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic companion animals are kept as pets.

Light Construction Equipment

Skid steer loaders, small truck type equipment and other types of equipment, which are conveyed on trailers designed for use with one (1) ton or less gross weight vehicles.

Light Manufacturing

All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located; does not normally require an urban level of public services such as centralized sewer and water; and takes places wholly within an enclosed building.

Lot

An individual parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof, that shall contain no more than one allowed principal structure or use.

Lot Area

The area of a horizontal plane within the lot lines.

Lot, Corner

A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Lot Frontage

The frontage of a lot shall be the length of that boundary abutting a public road right-of-way.

Lot Line

A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting street, the lot line shall be deemed to be the street right-of-way.

Lot of Record

A parcel of land which has been registered with the County Recorder/Registrar of Title's Office in accordance with Section 4.10.

Lot, Through

A lot with frontage on two parallel streets.

Lot Width

The shortest horizontal distance between the side lot lines measured at the right angles at the building line associated with structure setback requirements.

Manufactured Home

A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, and which is built on a permanent chassis with or without a permanent foundation and which is designed to be used or occupied as a dwelling, office, or other occupancy, excluding licensed recreational vehicles.

### Manufactured Home Park

Any site, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, including any buildings, structures, or enclosures used as part of the equipment of the manufactured home park.

### Mining Operation

The removal of stone, sand and gravel, soil, coal, salt, iron, copper, nickel, granite, petroleum products or other material from the land for commercial, industrial, or governmental purposes.

### Motel

A building or group of buildings used primarily for the temporary residence of motorists or travelers.

### Motor Vehicle

Anything defined as a Motor Vehicle, snowmobile, off-road recreational vehicle, or motorboat as defined in Minnesota State Statutes.

### Motor Vehicle Dealership

Any place or parcel of land where three (3) or more new and/or used motor vehicles are sold or offered for sale in any twelve month period. It may also provide maintenance services for cars, thus employing automobile mechanics; it also may stock and sell spare automobile parts, and process warranty claims.

### Motor Vehicle Reduction/Salvage Yard

Any place or parcel of land where two (2) or more vehicles not in running condition, not licensed, or parts thereof are stored in the open; or any parcel of land, or structure used for wrecking or storing motor vehicles or parts thereof, including any commercial salvaging and scavenging of any other goods, articles or merchandise from said motor vehicles.

### Motor Vehicle Repair

General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning; upholstery.

### Motor Vehicle Service Station

A place where motor vehicle fuels, stored only in underground tanks, motor oil and lubricants for operation of motor vehicles, are related directly for retail sale to the public on premises; and including minor accessories and services for motor vehicles, but not including major repairs and rebuilding of motor vehicles.

### Mottled Soil

A color pattern in a soil profile formed by oxidation and reduction of iron, indicating seasonal saturation of the soil by groundwater, considered to be a restrictive layer for purposes of septic system design and for determination of buildable area.

### Natural Drainage System

All land surface areas which, by nature of their contour configuration, collect, store, and channel surface water run-off.

Non-Conforming Structure, Legal

A structure which predates the adoption of the official controls that does not allow such structure, or does not comply with one (1) or more of the regulations applicable in the zoning district in which it is located.

Non-Conforming Use

A use which does not conform to the regulations of the district or zone in which it is situated.

Nursery

A place where plants are grown for sale, transplanting, or experimentation.

Obstruction

Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Obstruction, Artificial

Any obstruction which is not a natural obstruction.

Obstruction, Natural

Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a nonhuman cause.

Off-Street Loading Space

A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials.

Offices

A room, set of rooms, or building used as a place for commercial or professional work.

Open Sales Lot

Any land used or occupied for the purpose of buying, selling and/or renting merchandise including the storing of such merchandise prior to sale.

Open Space

Land used for agriculture, natural resource protection, wildlife habitat corridors and/or recreational purposes, which is undivided.

Ordinary High Water Level

If not determined by the Minnesota Department of Natural Resources, the OHWL shall be a line 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.

Parking Space

An area sufficient in size to store one (1) motor vehicle which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an motor vehicle.



### Performance Standard

A criterion established to control appearance, noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, waste or other potential impacts generated by, or inherent in, certain uses of land or building.

### Permitted Use

A use which may be lawfully established in a particular district provided such use conforms with all requirements, regulations, and performance standards of such district.

### Planned Unit Development

A development in which there are permitted to be mixed or the same land uses and housing types, in which dwellings or other buildings are allowed at a density that is calculated on a project-wide basis, in which dimensional requirements may be waived to permit the clustering of buildings, and in which is contained permanently preserved open space.

### Planning Commission

The planning body of the County, designated by the County Board to act in an official capacity on its behalf to review, holds public hearings, and makes recommendations on new ordinances, amendments, environmental reviews, and all other planning applications.

### Plat

The drawing or map of a subdivision prepared for filing of record pursuant to Chapter 505 and containing all elements and requirements set forth in the Chisago County Subdivision Ordinance, Chapter 394, and the Chisago County Plat Manual.

### Principal Structure

The primary dwelling or commercial building that is allowed under all applicable zoning regulations and as distinguished from subordinate, incidental or accessory buildings.

### Principal Use

The primary or main use of land that is allowed under all applicable zoning regulations.

### Public Hearing

An official public meeting for which notice has been published in the official newspaper and where public verbal or written testimony is taken.

### Public Meeting

An official public meeting for which notice has been published in the official newspaper.

### Public Waters

Any waters as defined in Minnesota Statutes. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of these regulations. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of the Minnesota Department of Natural Resources.

### 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.

#### Recreation, Active

An activity that is organized and related to scheduled programs with specifically designed goals or outcomes such as school sports, local league play, and tournaments.

#### Recreation, Passive

An activity that is not organized, programmed, or scheduled including such leisure pursuits as a walk in a park, a bike ride, shooting baskets, or playing tennis at a local park.

#### Recreational Camping Area

Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents or recreational camping vehicles.

#### Recreational Structure

One-story detached residential accessory buildings used as tool and storage sheds, playhouses and similar uses not including garages or other buildings used for motor vehicle or recreational vehicle storage. Includes fish houses, dark houses, and similar structures.

#### Recreational Vehicle

A vehicular portable structure used for amusement, vacation, or recreational activities including but not limited to travel trailers, motor homes, camping trailers, snowmobiles, boats, bicycles, and motorcycles.

#### 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.

#### Resort

A development consisting of buildings, camping spaces, parking areas, recreation areas, recreational equipment, for lease or rent for temporary residence on land under common ownership for the purpose of recreation and/or education.

#### Riverway Boundary

A legally described line delineating the landward extent of the St. Croix Riverway.

#### St. Croix Riverway

All lands and public waters within the riverway boundary as legally described in Section 6.05.

#### Scenic Easement

An interest in land, less than fee title that limits the use of the land for the purpose of protecting the scenic, recreational and natural characteristics of areas. Unless otherwise expressly and specifically agreed to in writing by the parties, the easement shall be: perpetually held for the benefit of the people of Minnesota; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servant estate, his heirs, successors or assigns. Unless expressly provided for in writing between the parties, no such easement shall give the holder or any beneficiary thereof the right to enter on the land except for enforcement of the easement rights granted.

### Screening

The presence of vegetation, topography, fences, or other human-made objects which renders a structure on any property visually inconspicuous.

### Selective Cutting

The removal of a single tree or scattered trees where the original density and crown cover of the stand is essentially unchanged from pre-cutting conditions.

### Service and Repair Business

A facility for the servicing or minor mechanical repair of appliances or equipment.

### Service Lines

All wires, poles, and appurtenant equipment used to carry electricity between distribution lines and a customer.

### Setback

The minimum horizontal distance required between a structure or sewage treatment system and the ordinary high water level, bluff, road, property line, or between a sewage treatment system and a structure.

### Sewage

Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, including household cleaners, medications, and other constituents restricted to amounts normally used for domestic purposes.

### Sewage Treatment System

Any system for the collection, treatment, and dispersion of sewage, including but not limited to septic tank soil absorption systems and drain fields.

### Shoreland

Land located within the following distances from public water: 1) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 2) 300 feet from a river or stream, or the landward extent of a flood plain designated by Ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the DNR.

### Sign

The use of any words, numerals, figures, devices or trademarks, visible to the general public by which information is made known.

### Slope

The degree of deviation of surface from the horizontal, usually expressed in percent or degrees.

### Solid Waste

Solid waste means garbage, refuse, construction and demolition debris, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, mining, and agricultural operations and from non-residential property, and from community activities. Solid waste does not include

hazardous waste, animal waste, earthen fill and rock; sewage sludge, industrial waste water effluents, dissolved materials in irrigation return flows, or nuclear material.

### Story

That portion of a building included between the upper surface of a floor and the upper surface of a floor or roof immediately above.

### Story, First

The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a floor, provided such floor level is not more than 4 feet (1219 mm) below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet (2438 mm) below grade, as defined herein, at any point.

### Strip Development

Multiple, separate commercial or retail uses, usually one-story high and one story deep, that front on a street.

### Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

### Structure, Temporary

An accessory structure without a foundation which is intended to remain in place for 12 months or less.

### Solid Waste Management Facility

Land, building, or structure(s), used for solid waste purposes as defined in the Solid Waste Management Ordinance.

### Subdivision

The separation of one or more portions of a lot from another portion of that lot by metes and bounds description, or platting, by deed and recorded to provide for conveyance of that land to another person or entity; provided that the term subdivision shall not be construed to apply to a mortgage against a parcel complying with the minimum dimensional requirements herein.

### Substandard Lot

Any lot which does not meet the minimum lot area, frontage, setbacks, length, or other dimensional standards of this or any other ordinance, rule, or law.

### Substandard Structure

Any structure which is permitted within a particular zoning district that fails to meet the structure setbacks or other dimensional standards of the Ordinance.

### Substandard Use

Any use which is permitted within the applicable zoning district that fails to meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.

### Supervised Living Facility

Provides supervision, lodging and (in accordance with the Department of Human Services) counseling and developmental habilitative or rehabilitative services to five or more persons who are mentally handicapped, chemically dependent, adult mentally ill, or physically handicapped.

### Tower

Any ground or roof mounted pole, spire, structure, or combination thereof, taller than thirty-five (35) feet, including supporting lines, cables, wires, braces, and mast, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.

### Transfer of Development Credits

The act, process or program in which development credits from a protection area are transferred for use in a receiving area.

### Transient

Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

### Transmission Lines

High-capacity lines generally rated 69 kilovolts and above and associated structures used to carry electricity from points of generation to distribution points such as substations and distribution lines.

### Transmission Services

Electric power, telephone and telegraph lines, cables and conduits that are used to transport large blocks of power, convey intelligence, or transport material between two points. A distribution line, cable or conduit used to provide power, water, gas or other essential services locally to utility customers is not a transmission service.

### Use

The purpose or activity for which the land or structure thereon is designated, arranged, intended, or for which it is occupied, utilized or maintained, and shall include the performance of such purpose or activity as defined by the performance standards of this Ordinance.

### Useable Open Space

A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Roofs, driveways, and parking areas shall not constitute useable open space.

### Variance

Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship or practical difficulty.

### Waste

Solid waste, sewage sludge, or hazardous waste.

### Waterbody

A body of water in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

### Watercourse

A channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year around or intermittently.

### Watershed

The area drained by the natural and artificial drainage system bounded peripherally by a bridge or stretch of high land dividing drainage areas.

### Watershed Management or Flood Control Structure

A dam, floodwall, wingdam, dike, diversion channel, or an artificially or deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of the Minnesota Department of Natural Resources.

### 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 the purposes of this definition, wetlands must have the following three characteristics:

- a. predominance of hydric soils;
- b. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c. under normal circumstances support a prevalence of such vegetation.

### Wholesaling

The sale of goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

### Yard

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky that is the area contained inside of structure setbacks.

### Yard, Front

A yard extending across the road side of the lot between the side lot lines and lying between the road and the nearest line of the.

### Yard, Rear

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the structure.

### Yard, Side

A yard between the side line of the lot and the nearest line of the structure and extending from the front line of the lot to the rear yard.

### Zoning Administrator

A person appointed by the County Board to interpret, administer, and enforce the Zoning Ordinance.

### Zoning Map

The maps or map incorporated into this Ordinance as part thereof, and as amended, designating zoning districts.

## **SECTION 4. GENERAL PROVISIONS**

### **4.01 Scope and Interpretation**

- A. **Relation to Comprehensive Plan.**  
It is the policy of the County of Chisago that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the County's Comprehensive Plan as the policy for responsibility to regulate land use and development.
- B. **Standard Requirements.**  
Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other Ordinance, rule or regulation of the Townships, County, State or Federal government, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall apply.
- C. **Minimum Requirements.**  
In their interpretation and application, the provisions of this Ordinance shall be held at least to the minimum requirements for the promotion of the public health, safety and welfare.
- D. **Conformity with Provisions.**  
No structure shall be erected, converted, enlarged, reconstructed, altered or placed, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Ordinance.
- E. **Building Permits.**  
Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance, the Minnesota State Building Code as amended, or such requirement as adopted by reference by Chisago County.
- F. **Conditional Uses, Variances, Amendments.**  
Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, variance, or amendment to this Ordinance. No conditional use, variance or amendment is valid without formal review, public hearing and approval by Chisago County.
- G. **Prohibited Uses.**  
Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the County Board, Zoning Administrator, or the Planning Commission, on their own initiative or upon request, may conduct a study to determine whether or not the use is compatible within the County, and if found to be acceptable, initiate an amendment to the Zoning Ordinance to provide for the particular use.

H. Severability.

It is hereby declared to be the intention of the County that provisions of this Ordinance are severable in accordance with the following:

1. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall judge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

I. Rules.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

1. The singular number includes the plural, the plural the singular.
2. The present tense includes the past and the future tenses, and the future tenses include the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine.

## **4.02 Permits, Applications, and Licenses**

A. Building/Construction Permits.

1. **Building Permit.**  
Building permits are required for all activities regulated by the Building Code and for all temporary structures exceeding one hundred twenty (120) square feet.
2. **Site Permit.**  
Site permits are required to insure proper setbacks for agricultural structures as defined in Minnesota Statutes.
3. **Grading or Filling Permit.**  
Grading or filling permits are required to regulate the grading, placing of fill, or any alterations of the natural topography pursuant to Section 5.32 of the Shoreland Ordinance.
4. **Sewer Permit.**  
Sewer permits are required to regulate the installation, repair or alteration of sewage treatment systems.



5. **Driveway Permit.**  
Driveway permits are required to regulate the installation of new driveways accessing County and Township Roads.
6. **Temporary Manufactured Home Permit.**  
In Agricultural zones temporary manufactured home permits are required for use during construction of a permanent dwelling and when such manufactured home is used as an accessory residence for farm employees or for medical hardship reasons.
7. **Manufactured Home Set Up.**  
Inspections and permits are required prior to the occupancy of a manufactured home in a manufactured home park.
8. **Sign Permit.**  
Sign permits are required to regulate signs as set forth in the Zoning Ordinance.
9. **Demolition Permit.**  
Demolition permits are required for the demolition of all commercial structures and residential dwellings.
10. **Temporary Certificates of Occupancy.**  
Temporary Certificates of Occupancy shall only be issued in winter months when weather prohibits installation of drain field or similar circumstances and shall require a deposit.
11. **Certificate of Occupancy Required.**  
No person shall occupy any structure until a Certificate of Occupancy has been issued for that structure. No owner of any structure shall allow the structure to be occupied prior to a Certificate of Occupancy being issued.

**B. Zoning and Planning Applications and Appeals.**

1. **Conditional Use Permit.**  
A conditional use permit may be issued for a use allowed in a particular zoning district with regulations and control exercised through conditions placed upon it.
2. **Variance.**  
A variance application allows for a request to vary from any Ordinance and is the decision is determined by the County Board of Adjustment and Appeals.
3. **Preliminary Plat.**  
The preliminary plat is an application and plan to subdivide property in accordance with applicable Ordinances, rules, and laws.
4. **Zoning Amendment.**  
A zoning amendment is a request to change the zoning district boundaries or other provisions of the Ordinance.
5. **Appeal.**

An appeal allows for the review of a decision of the Zoning Administrator by the County Board of Adjustment and Appeals who may uphold or reverse the decision.

C. Licenses Required.

1. Septic Designers, Installers and Site Evaluators.  
Persons engaging in the design, installation of septic systems, or the site evaluation for septic systems shall be licensed by the State of Minnesota, as required.
2. Sewer Pumpers.  
Persons engaged in the pumping of septic tanks or holding tanks shall be licensed by the State of Minnesota, as required.
3. Building Contractors and Subcontractors.  
All building contractors and subcontractors performing work within Chisago County shall be licensed by the State of Minnesota as required.

**4.03 Non-conforming Structures and Uses**

A. Purpose.

It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures, and uses shall be operated and maintained consistent with the Ordinance. The Ordinance establishes separate districts each of which has been determined to be an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses shall not be permitted to continue without restriction. Furthermore, it is the intent of this Section to provide for the gradual elimination of nonconformities.

- B. Any non-conforming structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, intensified, made more permanent, or expanded. Any non-conforming structure or use may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.
- C. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel, land upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.
- D. When any lawful non-conforming use of any structure or land is changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- E. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure use has been changed, it shall not thereafter be so altered to increase the non-conformity.
- F. Except as noted in Subsection I., if at any time a non-conforming structure or use shall be

destroyed to the extent of fifty (50%) percent or more of its current fair market value, (said value to be determined by the County Assessor) the structure and land on which such structure was located or maintained, shall be subject to all the regulations specified by this Ordinance for the district in which such land and structures are located, from and after the date of said destruction. Any structure which is damaged to an extent of less than fifty (50) percent of its value may only be restored to its former extent.

- G. Whenever a lawful non-conforming use of any structure or land is discontinued for a period of one (1) year or following written notice from the Zoning Administrator, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.
- H. Normal maintenance of a lawful non-conforming structure or use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use, provided the necessary repairs shall not constitute fifty (50) percent or more of fair market value of such structure. Said value shall be determined by the County Assessor.
- I. Pursuant to Minnesota State Statutes: In the case of homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes:
  - 1. A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
  - 2. If the non-conformity or occupancy is discontinued for a period of more than one year, or any non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
  - 3. If a non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, the County may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

#### **4.04 Home Occupations**

- A. Purpose.  
It is the purpose of this subdivision to provide for the conditional use of the home or property as a place for the operation of a business or profession provided the occupation is clearly secondary to the principal use of the home as a residence.
- B. Permitted Home Occupations.  
Home occupations which do not require additional parking, an accessory building, generate a noticeable increase in traffic or other significant impact to subject or nearby properties shall be allowed without a Conditional Use Permit.

- C. Home Occupations Requiring a Conditional Use Permit.  
Home occupations which have the potential for generating a noticeable increase in traffic or other significant impact to nearby properties, require additional parking or require the use of an accessory building shall require a Conditional Use Permit. The above requirement does not apply to the use of accessory buildings existing in the (A) District on or prior to July 24, 1997, to seasonally store recreational vehicles and equipment. All other home occupations shall require a Conditional Use Permit.
- D. Performance Standards.  
All home occupations shall conform to the following standards:
1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
  2. Only those persons residing in the home and two other persons or full time equivalent may be employed.
  3. Signage shall consist of no more than one (1) single or double-faced sign with a maximum area of eight (8) square feet per side in the UR and RR districts; and sixteen (16) square feet per side in the (A), (AP), and (PAT) District.
  4. No outdoor display or storage of goods or materials is permitted.
  5. Should the home occupation be educational in nature, class size shall not exceed ten (10) students at any one time.
  6. Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home or in a structure accessory to the home, as allowed by this Ordinance.
  7. No home occupation shall generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
  8. An existing accessory structure subjected to a change of occupancy or use as a result of a home occupation shall be retrofitted to conform to current structural standards for the new occupancy or use and shall be certified by an architect or engineer as determined to be necessary by the County Building Official.
- E. Review by Planning Commission.  
When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance criteria.

#### **4.05 Essential Services and Transmission Services**

A. Authority.

1. This Section shall apply to all essential services, including distribution and transmission lines of less than 100 kilovolts in size and transmission lines of 100 kilovolts and above, but less than 200 kilovolts, for which the County has received a request for a permit. In some cases, state and federal law may regulate certain types or characteristics of essential services facilities. This section shall be construed to provide the County with the maximum control consistent with such other laws.
2. All essential services located within or crossing a County right-of-way shall conform with the Chisago County Right-of-Way Ordinance. Essential services located within or crossing other public rights-of-way shall be referred to the “utility coordination committee,” referenced in the Chisago County Right-of-Way Ordinance. Towers, structures and lines located entirely within an existing public right-of-way for which the County has issued a right-of-way permit are exempt from obtaining a conditional use permit, but must comply with the other standards and requirements of this Section.
3. All new essential services located within or crossing a County right-of-way shall conform with the Chisago County Right-of-Way Ordinance. Essential services located within or crossing other public rights-of-way shall be reviewed by the “utility coordination committee,” referenced in the Chisago County Right-of-Way Ordinance. Towers, poles, structures, and lines located entirely within an existing right-of-way, and which are proposed for rebuild or upgrade, and for which the County has issued a right-of-way permit must obtain a conditional use permit, and must comply with the other standards and requirements of this Section.
4. All essential services, including towers, poles, accessory structures, and lines shall be designed and constructed in accordance with all provisions of this Ordinance and all applicable state and federal codes, regulations, plans, and application requirements, including but not limited to state energy and transmission planning requirements, state need and reliability studies and determinations. Where federal or state government does not have jurisdiction to determine need for a project, or where it exempts from or elects not to accept jurisdiction for a need determination, such that no need determination has been made, the County may determine need for the project.

B. Notice Required.

Since essential and transmission services as defined by this Ordinance may have an effect upon urbanizing areas of the County, to determine the proposed effect on County land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams and rivers, the proposed location of all such essential and transmission services in any district shall be filed with the County prior to commencement or any condemnation action or construction.

C. Conditional Use Permit Required.

Transmission services, essential services or bulk gas or fuel facilities are conditional uses in all zoning districts and shall follow the following procedure.

1. The owner shall file with the County Zoning Administrator an application for a Conditional Use Permit, pursuant to Section 8.04. In addition to the submittal

requirements in Section 8.04, the applicant shall file the following information:

- a. Environmental review documentation, which may be required under mandatory, discretionary or special rules of the Environmental Quality Board.
- b. Certificate of Need, if required.
- c. Maps showing the proposed location, alignment and easement or right-of-way dimensions.
- d. List of all property owners within three hundred fifty (350) feet of the proposed easement or right-of-way.
- e. Maps showing the locations of all lakes, streams, rivers, drainage ditches, utilities, pipelines, essential services, transmission services, residences, businesses, public buildings, structures, parks and all existing land uses within three hundred fifty (350) feet of the proposed easement or right-of-way.
- f. Construction plans, grading plans, soil erosion and sedimentation control plans, wetland mitigation plans, street crossing plans and water body crossing plans.
- g. A Facility Management Plan to include but not be limited to the following:
  - i. A description of the need for the facility.
  - ii. A description of alternative facility or corridor locations considered but not chosen and the reason(s) for not selecting alternative locations.
  - iii. A description of all potential environmental and aesthetic impacts resulting from the proposed action and a description of proposed mitigation plans.
  - iv. A list of all vegetation lost in the construction of the facility, the plan for revegetation and the plan for maintaining vegetation after construction. The vegetation maintenance plan shall include alternative methods of maintaining vegetation, including relocation.
  - v. A description and location of proposed warning or safety signs associated with the project.
  - vi. For electrical generation facilities or substations, noise modeling and a description of alternative visual and auditory screening methods and landscaping provisions.
  - vii. For electrical facilities, electrical and magnetic field modeling, radio frequency modeling, corona, a description of potential EMF and stray voltage impacts and mitigation alternatives.
  - viii. A list and timeline of all permits, licenses and approvals required and

associated entities involved in the review and authorization of the project.

- ix. A statement of compliance with all laws and regulations and oversight provisions affecting the project and provision of associated permits, including but not limited to Certificate of Need, required state or federal environmental review and state transmission planning priority list placement.
  - x. Emergency Response Plan.
2. All maps and accompanying data submitted to the Zoning Administrator shall be forwarded to the County Planning Commission. The Planning Commission shall conduct a public hearing consistent with the procedure for conditional uses as set forth in Section 8.04. In addition to the notice requirements of Section 8.04, prompt notice of the receipt of an application for a conditional use permit for a transmission line shall be given. Notice shall be published in the official newspaper of the County. Written notice shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the property in incorporated areas and to property owners within three thousand (3,000) feet of the property or the nearest ten (10) properties in unincorporated areas, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made a part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, including County Ordinance notification provisions that may exceed state law, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
3. Following such hearing, the County Planning Commission shall make a report of its findings and recommendations on services regarding the compliance with required standards, the factors set forth in Section 8.04, and the relationship to urban growth, land uses, highways, scenic protection, the environmental protection, water resources protection and park areas, and shall file such report with the County Board. In evaluating the factors set forth in Section 8.04, the Planning Commission and County Board may consider the benefits of the proposed service to the County and the adverse impacts, if any, to the County, its residents, businesses and landowners. A conditional use permit may be denied if the adverse impacts outweigh the benefits and the Board makes such a finding. In its deliberations on new or upgraded essential or transmission services corridors, the Planning Commission and County Board shall consider the following hierarchy of preferences, listed in descending order:
- a. Avoid corridors in scenic Overlay Management Areas.
  - b. Bury lines in scenic Overlay Management Areas.
  - c. Upgrade existing corridors.
  - d. Bury lines in new corridors.

- e. Locate new corridors contiguous with existing corridors.
- f. Locate new corridors contiguous with existing road rights-of-way.
- g. Locate new corridors along parcel boundaries and minimize the bisection of parcels.

D. Transmission Line Standards.

1. In the RRI, RRI, and Shoreland zoning districts, transmission lines within one mile of an urban town or city that require undergrounding of transmission lines shall be reviewed for burial. Economic considerations alone shall not render underground placement not feasible.
2. Towers, poles, structures and lines shall be located to minimize visibility.
3. All transmission line towers, poles, structures and lines situated in whole or in part outside of a public road right-of-way require adequate setbacks from existing rights-of-way to ensure safety and to provide adequate area for road improvements.
4. To the maximum extent practical, new transmission line corridors shall be avoided in the scenically protected Upper and Lower St. Croix River Overlay District, the Sunrise River Overlay District, or the Carlos Avery Overlay District.
5. If granted, a Conditional Use Permit for transmission lines may include conditions or modifications to mitigate potential adverse impacts, including but not limited to the following setbacks for transmission line towers, poles, and accessory structures:
  - a. Set back one-quarter (1/4) mile from a bluff line.
  - b. Set back one-quarter (1/4) mile from any lake or river.
  - c. Set back from the St. Croix River such that the towers, poles, and accessory structures are not visible from the east uppermost bluffline of the St. Croix River, provided that this setback shall not be required to exceed four (4) miles.
  - d. Set back from the Sunrise River such that the towers, poles, and accessory structures are not visible from the opposite bank of the river at the ordinary high water level, provided that this setback shall not be required to exceed one and one-half (1-1/2) miles.
  - e. Set back from any designated scenic overlook, scenic roadway, public wayside stops, or state park, within the Upper and Lower St. Croix Overlay District such that the towers, poles, and accessory structures are not visible from such sites, provided that this setback shall not be required to exceed four (4) miles.
6. No business or advertising signs shall be installed on a tower, pole or structure.



7. Guy lines are prohibited when a feasible alternative exists.
8. Whenever practical, lines and towers shall be placed adjacent to and parallel with existing property boundary lines, agricultural field boundaries, and natural division lines.
9. The loss of agricultural land and significant environmental and natural areas shall be avoided or held to a minimum. No transmission line towers, poles, or accessory structures shall be designed, arranged, or constructed in such a way that will prevent a farm operator from cultivating the land.
10. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained, when and wherever possible. All trees that are removed must be replaced consistent with a reforestation plan approved by the County.
11. Towers, poles, and accessory structures must be constructed of material and color approved by the County to best blend in with their surroundings.
12. Construction of a new transmission line that detrimentally impacts the public health, safety and general welfare in a manner that cannot be mitigated shall be denied.

E. Distribution Line Standards.

1. In the RRI and RRII zoning districts distribution lines within one mile of an urban town or city that requires undergrounding of distribution lines shall be reviewed for burial.
2. Poles and lines shall be located to minimize visibility.
3. All distribution line poles situated in whole or in part outside of a public right-of-way require adequate setbacks from existing rights-of-way to ensure safety and to provide adequate area for road improvements.
4. To the maximum extent practical, new above-ground distribution line corridors shall be avoided in the Upper and Lower St. Croix Overlay District, the Sunrise River Overlay District, and other Chisago County shoreland districts.
5. If granted, a Conditional Use Permit for distribution lines may include conditions or modifications to mitigate potential adverse impacts, including but not limited to the following setbacks for distribution line poles and accessory structures:
  - a. one-quarter (1/4) mile from a bluff line.
  - b. one-quarter (1/4) mile from any lake or river.
6. Guy lines are prohibited when a feasible alternative exists.

7. Whenever practical, lines and poles shall be placed adjacent to and parallel with existing property boundary lines, agricultural field boundaries, and natural division lines.
  8. Whenever practical, upgrades of existing above ground distribution lines shall be buried underground.
  9. The loss of agricultural land and significant environmental and natural areas shall be avoided or held to a minimum. No lines shall be designed, arranged, or constructed in such a way that will prevent a farm operator from cultivating the land.
  10. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained, when and wherever possible. A reforestation plan, mitigating excessive tree loss, shall be required for review and approval by the County.
- F. Appurtenant Facilities Standards.  
If appurtenant equipment or facilities occupy more than 120 square feet of ground area they must be enclosed in a building if it is feasible to do so. Appurtenant equipment or facilities must be approved as part of a conditional use permit if installed in conjunction with a transmission line requiring a conditional use permit, or if a conditional use permit is not required by separate site plan approval unless exempt under Section 4.05 A.
- G. Citizen Participation.
1. The County Board shall promote citizen participation as a principle of operation. The form of public participation may include public hearings and advisory task forces and shall be consistent with the Board's policies and rules.

#### **4.06 Yard Regulation**

- A. General Statement.  
No yard or other open space shall be reduced in area or dimension so as to make such yard or open space less than a minimum required by this Ordinance. The structure setbacks shall be applicable to newly created lot lines. If the existing yard or other open space is less than the minimum required, it shall not be further reduced.
- No required yard or open space allocated to a structure or parcel of land in compliance with this Ordinance shall be used to satisfy yard or open spaces or minimum lot area requirements for any other structure or land.
- B. Yard Requirements.  
The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance.
1. Corner Lots.  
Where a lot is located at the intersection of two (2) or more streets required setbacks shall be maintained from both streets. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of

two and one-half (2 1/2) and ten (10) feet above street level for a distance of thirty (30) feet from intersecting streets.

- 2 Through Lots.  
On a lot fronting on two (2) parallel streets the required setback shall be maintained from both streets. Through lots are prohibited in new subdivisions.
- 3 Earth Sheltered Buildings.  
Computations for yard requirements shall be based upon measurements from the foundation of the building.
4. Exceptions.  
The following shall not be considered as encroachment into yard setback requirements.
  - a. Architectural projections including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet from the building.
  - b. Yard lights and signs, provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public rights-of-way or adjacent residential property.
  - c. Off-street parking spaces except as hereinafter regulated.
  - d. Fencing or buffering materials except as hereinafter regulated.
  - e. In front and side yards: balconies that extend a distance of not more than four (4) feet provided they are seven (7) feet or more above grade at the building line. Also, steps, stoops, and walkways no more than four feet in width which do not extend in elevation above the ground floor level of the principal building or to a distance of less than five (5) feet from any lot line.
  - f. In rear yards: recreational equipment, clotheslines, picnic tables, and open arbors and trellises, are allowed, provided these are not less than five (5) feet from any lot line.

#### **4.07 Building Requirements**

- A. Building Size and Architectural Requirements.  
The following building size and architectural standards shall apply to all districts unless otherwise specified.
  - 1 Height Exceptions.  
The building height limits established for belfries, cupolas, domes, spires, monuments, airway beacons, radio or television towers, flag poles, chimneys, flues, elevators, water tanks, poles, towers and other similar structures extending above the

roof of any buildings and not occupying more than twenty-five (25%) percent of the total roof area shall be fifty (50) feet; except as otherwise regulated herein.

2. Architectural Requirements.

The following architectural requirements shall apply to all dwellings in the (A), (AP), and (PAT) District and all residential districts except in manufactured home parks.

- a. The minimum square footage for a single-family dwelling shall be 960 square feet as measured at the foundation, not including garage foundation.
- b. The minimum width for a dwelling shall be 20 feet.
- c. All residential structures must be placed on a permanent foundation at least forty-two (42) inches below grade, forming a complete enclosure under the exterior walls.
- d. Manufactured homes shall be allowed provided they meet all the same criteria as any single family dwelling. All dwellings shall be constructed on-site or pre-fabricated to meet these dimensional criteria. Additions to manufactured houses shall not be allowed in consideration of those dimensional criteria. Manufacturer's specifications regarding how to set specific pre-fabricated homes on a permanent perimeter foundation shall be required.
- e. Exterior walls shall have the appearance of wood or masonry regardless of their actual composition. Galvanized steel siding or roofs are not allowed on residential structures and their accessory structures. Agricultural structures are exempt from the above requirement.

3. Maximum Total Lot Coverage.

The total area of all buildings shall not exceed more than fifty (50%) percent of the total lot area.

4. Unpainted metal buildings are prohibited in all zoning districts, except for agricultural buildings in the (A), (AP) District.

B. Structures Prohibited for Habitation.

Except where specifically permitted in this Ordinance, no person may occupy or inhabit any structure not specifically designed for human habitation as a dwelling, including, but not limited to, accessory buildings, tents, campers, makeshift structures or any structures designed for habitation without functional plumbing, self-renewable heating sources and ventilation systems or electricity. For purposes of the above requirement, wood and corn stoves shall not be considered self-renewable heating sources.

C. Residential Structures Prohibited for Conversion.

An individual parcel of land ("lot") shall be occupied by no more than one principal building or use, and its necessary and accessory structures. No more than one dwelling unit shall be permitted to be located on any lot. This Ordinance shall prohibit conversion of any dwelling unit to an accessory structure. Lots containing an existing principal dwelling which is

proposed for elimination and replacement shall only be eligible for a building permit when applied for in conjunction with a demolition permit for the existing principal dwelling.

#### **4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts**

- A. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot without a principal structure, except a residential accessory structure provided a building permit for the principal structure has been issued and the foundation inspection has been completed and approved. Agricultural buildings or uninhabited historical buildings as part of a use permitted under Section 5.06 B.7, Section 5.08 B.3 or Section 5.09 B.6. constitute an exception.
- B. Accessory buildings larger than one hundred twenty (120) square feet shall require a building permit. All accessory structures including those that do not require permits must adhere to setbacks.
- C. The commercial storage of recreational structures is prohibited. Personal storage of recreational structures must meet all setbacks.
- D. No detached accessory structure, garage, cellar, tent, trailer, or basement may be built, modified for use, or used, as a dwelling, except temporary manufactured homes as regulated in this Ordinance.
- E. Detached accessory structures shall be only one story in height, or two stories with the second story consisting entirely of unfinished storage space.
- F. No sanitary facilities are permitted within an accessory building prior to the construction of the principal structure.
- G. Detached accessory structures shall not include plumbing or fixtures apart from a sink and/or water closet.
- H. Temporary structures must be securely anchored and meet all required setbacks. Temporary structures that due to deterioration or damage no longer provide the use for which they were intended must be removed.
- I. Setbacks from roadways for accessory structures on properties developed under a previous version of this ordinance may be less stringent from current requirements, but not less than the distance required of the primary structure under the provisions of this ordinance at the time of the original development, provided that there are no road projects planned which would conflict with the building site.

#### **4.08.2 Accessory Structures and Uses in “UR”, “RRI” and “RRII” Districts**

- A. A maximum of two detached accessory buildings shall be allowed per lot in the "UR", "RRI" and “RRII” districts, except uninhabited historical buildings as part of a use permitted under Section 5.06 B.7, Section 5.08 B.3 or Section 5.09 B.6.

- B. Accessory buildings and structures shall be located five (5) feet or more from property lines, except as otherwise provided for in Sections 4.07 and 4.09.
- C. No sanitary facilities are permitted within an accessory building prior to the construction of the principal structure.
- D. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot without a principal structure, except a residential accessory structure provided a building permit for the principal structure has been issued and the foundation inspection has been completed and approved. Agricultural buildings or uninhabited historical buildings as part of a use permitted under Section 5.06 B.7, Section 5.08 B.3 or Section 5.09 B.6. constitute an exception.
- E. The height elevation of non-agricultural accessory buildings shall not exceed the height elevation of the principal structure.
- F. The total ground area of non-agricultural accessory buildings, including recreational structures, in the (UR) and (RRI/RRII) districts shall not exceed one thousand (1,000) square feet or five (5) percent of the total lot area, whichever is greater, but in no case shall the building exceed a maximum of two thousand (2,000) square feet, except uninhabited historical buildings as part of a use permitted under Section 5.06 B.7, Section 5.06 B.3 or Section 5.09 B.6.
- G. Accessory buildings larger than one hundred twenty (120) square feet shall require a building permit. All accessory structures including those that do not require building permits must adhere to setbacks.
- H. The commercial storage of recreational structures is prohibited. Personal storage of recreational structures must meet all setbacks.
- I. The architectural design and appearance of all accessory buildings, and structures shall comply with the following standards:
  - 1. The exterior appearance and color of all accessory buildings in the (UR) and (RRI/RRII) districts shall match as close as possible the exterior material, appearance and color of the dwelling unit on the lot. Boxed eaves and rakes on accessory buildings shall be required where they occur on the dwelling unit. Brick, stucco, and stone principal structures shall justify exceptions. Exceptions: Metal lawn or storage sheds one hundred twenty (120) square feet or less in floor area shall be exempt from these standards.
- J. No detached accessory structure, garage, cellar, tent, trailer, or basement may be built, modified for use, or used, as a dwelling, except temporary manufactured homes as regulated in this Ordinance.
- K. Detached accessory structures shall be only one story in height, or two stories with the second story consisting entirely of unfinished storage space.
- L. Detached accessory structures shall not include plumbing or fixtures apart from a sink and/or

water closet.

- M. Temporary structures must be securely anchored and meet all required setbacks. Temporary structures that due to deterioration or damage no longer provide the use for which they were intended must be removed.
- N. Setbacks from roadways for accessory structures on properties developed under a previous version of this ordinance may be less stringent from current requirements, but not less than the distance required of the primary structure under the provisions of this ordinance at the time of the original development, provided that there are no road projects planned which would conflict with the building site.

#### **4.09 Fences**

- A. Fences in all districts are subject to the following:
  - 1. No fence shall be permitted on public rights-of-way.
  - 2. Fences may be placed along property lines provided no physical damage of any kind results to abutting property.
  - 3. Fences over six (6) feet in height from the finished grade shall require a building permit in addition to any other required permits.
  - 4. Where the property line is not clearly defined, a certificate of survey at the sole cost of the applicant may be required by the Zoning Administrator to establish the property line.
- B. Fences in the (A), (PAT), and (AP) districts are subject to the following:
  - 1. Chain link, wire, and similar fences may exceed 6 feet in height.
- C. Fences in RRI and RRII are subject to the following:
  - 1. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
  - 2. Fences may be located on side or rear lot lines to a height of four (4) feet above finished grade.
  - 3. Fences which meet side and rear setback requirements, including setback from ordinary high water mark, shall not exceed six (6) feet in height from finished grade.
  - 4. Fences within the front non-buildable setback area shall not exceed thirty six (36) inches in height, except chain link fences, which do not obstruct vehicular sight lines, may be five (5) feet in height.
- D. Fences in Commercial/Limited Industrial and (RVC) Districts are subject to the following:

1. Fences may be erected on the lot line to a height of eight (8) feet from finished grade.

#### **4.10 Lots of Record**

- A. A lot of record is a parcel of land separately registered (such as part of a subdivision or plat, an Auditor's Subdivision, or a Registered Land Survey, or a parcel of land not so platted,) approved by the County created in its configuration in conformance with the official controls in place at the time of registration, or prior to enactment of official controls.

#### **4.11 Temporary Manufactured Home Permit**

- A. Purpose.  
It is the purpose of this Section to allow for the temporary placement of a manufactured housing unit for specific cases as provided herein.
- B. Temporary Manufactured Home Permit Required.  
A Temporary Manufactured Home Permit is required for the temporary placement of a manufactured home for those specific cases as allowed in this Section. The application for the permit shall contain the information required for Conditional Use Permits in Section 8.04 of this Ordinance.
- C. Temporary manufactured homes shall be affixed in accordance with manufacturer's specifications except that they may not be placed on a permanent foundation.
- D. Conditions for Issuance of Temporary Manufactured Home Permit During Construction of Permanent Dwelling.  
In the (A), (AP), (PAT), and (RRI/RRII) Districts, a six (6) month, one time renewable permit may be issued to allow a manufactured home to be temporarily placed and occupied on the same site as the permanent dwelling is being constructed, provided:
  1. The building permit for the permanent dwelling has been issued.
  2. An approved sewer system has been installed on the site to service the permitted dwelling under construction. The temporary manufactured home shall not have separate sewer and water service.
  3. A five thousand (\$5,000) dollar performance bond, letter of credit or cash escrow is posted as part of the application, to ensure removal of the temporary manufactured home when the approved use ceases.
- E. Conditions for Use of a Travel Trailer or Motor Home during Construction of Permanent Dwelling.  
In the (A), (AP), (PAT), and (RRI/RRII) Districts, a six (6) month, one time renewable permit may be issued to allow a travel trailer or motor home to be temporarily placed and occupied on the same site as the permanent dwelling is being constructed, provided:
  1. The building permit for the permanent dwelling has been issued.



2. Such units shall have self contained sanitary facilities and may be temporarily connected to the approved sewer and water system which has been installed on the site to service the permitted dwelling under construction.
3. A five thousand (\$5,000) dollar performance bond, letter of credit or cash escrow is posted as part of the application, to ensure termination of the use of the travel trailer or motor home as a dwelling.

F. Accessory Residence for Farm Employees.

A twelve (12) month renewable permit may be issued to allow a manufactured home to be placed and occupied on a farm to provide housing for a person(s) or family which is actively engaged in the operation of the farm, provided:

1. The major portion of the livelihood of the person(s) or family residing in the dwelling and temporary housing is derived from the farm.
2. The affected township has been notified of the application.
3. A five thousand (\$5,000) dollar performance bond, letter of credit or cash escrow is posted as part of the application, to ensure removal of the temporary manufactured home when the approved use ceases.
4. Adequate sewage facilities exist on the site to accommodate the additional structure, demonstrated through an approved compliance inspection.
5. Permittee shall annually recertify the use of the accessory residence for the specified farm use and provide a continuation certificate for financial surety.

G. Accessory Residence for Medical Hardship Reasons.

In the (A), (AP), and (PAT) Districts, a twelve (12) month, renewable permit may be issued to allow a manufactured home to be temporarily placed and occupied on the same lot as the principal residence when the person(s) occupying the accessory residence require close supervision due to the health reasons, yet are capable of independent living provided:

1. The occupant(s) of the accessory residence must be closely related to the occupants of the principal residence or have been legally designated ward(s)/guardian(s) of said occupant(s).
2. A doctor's report is submitted indicating the need for a closely supervised independent living arrangement.
3. The affected Township has been notified of the application.
4. Adequate sewage facilities exist on the site to accommodate the additional structure, and an approved compliance inspection has been completed. No separate sewage or water facilities are permitted.
5. Temporary housing must be located on the same parcel of land as the permanent

dwelling, and in close proximity to the dwelling.

- 6.. A five thousand (\$5000) dollar performance bond, letter of credit or cash escrow is posted as part of the application, to ensure removal of the temporary dwelling when the approved use ceases.
7. Permittee shall annually recertify the use of the accessory residence and the specified medical hardship case and provide a continuation certificate for financial surety.

#### **4.12 Off-Street Parking and Loading**

- A. **Parking of Commercial Vehicles or Equipment.**  
No commercial vehicles or equipment, exceeding ten thousand (10,000) pounds gross weight, shall be parked, stored, or otherwise continued in RRI, RRII, and UR districts for more than a maximum of twenty-four (24) hours unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.
- B. **Parking of Recreational Vehicles and Placement of Recreational Structures on Unimproved Property.**  
Recreational structures and travel trailers, campers, tents, motor homes, and other vehicles which are adaptable or have been adapted for living and may be reasonably transported, may be used for dwelling purposes or stored on the premises for a period not to exceed thirty (30) consecutive days or more than thirty (30) days of a sixty (60) day period. Only one recreational vehicle may be placed on a parcel or lot, except for short term periods such as family reunions and visits which do not exceed a period of 48 hours.
- C. **Parking of Recreational Vehicles on Improved Property.**  
Recreational vehicles may be parked and stored on parcels that have a permitted principal structure subject to the following requirements:
  1. In residential districts one recreational vehicle that is owned by the occupants of the principal structure may be parked outside. However, no recreational vehicles may be occupied, or connected to electrical, water, or sewage facilities.
  2. In the (A), (AP) and (PAT) Districts up to four recreational vehicles that are owned by the occupants of the principal structure may be parked outside. When more than one recreational vehicle is parked outside they must be screened from the road and neighboring properties. No recreational vehicles may be occupied, or connected to electrical, water, or sewage facilities.
- D. **Maintenance.**  
It shall be the joint responsibility of the leasee and/or owner of the principal use of building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
- E. **Use of Parking Area.**  
Required off-street parking spaces in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

- F. **Control of Off-Street Parking Facilities.**  
When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control either by deed of long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the county requiring the owner and his/her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- G. In all districts each proposed use shall provide adequate off-street parking for the designated occupancy of each use. In no case shall emergency vehicle ingress and egress be impeded through the use of on-street parking.

#### **4.13 Abandoned Vehicles**

No person in charge or control of any property shall allow any partially dismantled, inoperative, wrecked or junked motor vehicle to remain on the property where said motor vehicle is visible from a public road or the main floor of any dwelling; nor shall they allow any unlicensed motor vehicle, capable of being operated, to remain on such property except as a motor vehicle used on the property without the requirement of a license.

#### **4.14 Signs**

- A. **Purpose.**  
The purpose of this section is to regulate the location, size, placement and certain features of signs to enable the public to locate goods, services and facilities; to prevent competition for attention; to prevent hazards to life and property; and to protect the natural roadside aesthetics throughout Chisago County.
- B. **Permits Required.**  
Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a permit for the sign has been issued. However, no permit will be required under this Ordinance for the following signs:
  - 1. Real estate sales signs under nine (9) square feet in area on residential properties which are for sale.
  - 2. Real estate signs under thirty-two (32) square feet in area on commercial and industrial properties which are for sale.
  - 3. Political signs.
  - 4. Public information and directional signs.
  - 5. Traffic/Construction signs.
  - 6. Address/location signs or numbers less than two (2) square feet in total or combined area.
- C. **Prohibited Signs.**  
No sign shall be erected or maintained:

1. Which purports to be or resembles an official traffic control device, sign, or signal or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic.
2. Which prominently displays the word "stop" or "danger".
3. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
4. On any right-of-way of any highway, except as otherwise provided by law or as allowed in this Ordinance, or allowed by the Commissioner of the Minnesota Department of Transportation.
5. If any part of such sign extends more than six (6) feet over the public right-of-way, and is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This Section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
6. On private land without the written consent of the owner thereof and in conformance with this Ordinance.
7. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
8. Which has flashing or moving lights, except as specifically permitted in this Ordinance.
9. Which is structurally unsafe, and would have to be removed.

D. General Provisions.

The following requirements shall apply to all signs in all districts.

1. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when they are not so maintained.
2. Signs shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
3. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

4. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands within thirty (30) days of notice by the Zoning Administrator.
5. Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs shall be removed within seven (7) days following the date of the election or elections to which they apply.
6. In any district, banners, ribbons, flags, animal displays, inflatables, lights or beacons directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, activity, person, institution, organization or business, shall require a sign permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.
7. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public street or way.
8. Real estate sales signs may be placed in any yard providing such signs only advertise the sale of that particular property.
9. Real estate development project sales signs may be erected for the purpose of selling or promoting a real estate development project.
  - a. Such signs shall not exceed one hundred (100) square feet in area.
  - b. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
  - c. Such signs shall be removed when the project is eighty (80%) percent completed, sold or leased.
  - d. Such signs shall not be located closer than one hundred (100) feet to any existing residence.
10. Construction signs shall not be erected before issuance of a building permit or remain after issuance of a certificate of occupancy.
11. Beacons may be used for grand openings, special events and holidays, but shall be removed after the event or a maximum of ten (10) days, whichever is shorter. No business or property may utilize such signs more than three times in a calendar year.
12. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
13. In all areas where townships are utilizing a uniform street and numbering system, a number sign legible from the road shall be required for residences and businesses.

14. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
15. No sign shall exceed eighty (80) square feet in area.
16. Signs shall be not be placed within any road right-of-way, but otherwise are exempt from structure setback requirements.

E. Signs in the (A), (AP), (PAT), (RRI/RRII), or (UR) Districts.

The following signs are permitted and regulations established for the (A), (AP), (PAT), (RRI/RRII), and (UR) Districts:

1. Nameplate, address, real estate sales and development, public, political, identification, informational, institutional, business, directional, construction, temporary and agricultural crop demonstration signs. One (1) of each type of sign is allowed per lot frontage, except political signs where one (1) per each candidate is permitted, and agricultural demonstration sign where one (1) for each demonstration plot is permitted, or as hereinafter allowed.
2. Sign Size and Location Requirements.
  - a. Nameplate signs in the (A), (AP), and (PAT) Districts shall not exceed ten (10) square feet in area.
  - b. Construction signs (temporary) shall not exceed thirty-two (32) square feet in area.
  - c. Real estate signs shall not exceed nine (9) square feet and temporary real estate development project signs shall not exceed eighty (80) square feet.
  - d. Crop identification signs shall not exceed ten (10) square feet in area or ten (10) feet in height.
3. Business signs located on premises, for allowed conditional uses or allowed uses, subject to the following provisions:
  - a. No more than one (1) freestanding sign of not more than thirty-five (35) square feet in surface area and no more than fifteen (15) feet in height above the average grade.
  - b. No more than one (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.

F. Signs in the (RVC) and (CLI) Districts.

The following signs are permitted and regulations established for the (RVC) and (CLI) Districts:

1. Signs as permitted and regulated in (A), (AP), (PAT), (RRI/RRII), and (UR) Districts.

2. Business signs, located on premises, subject to the following provisions:
  - a. A maximum of one (1) freestanding sign not exceeding twenty (20) feet in height or eighty (80) square feet in area, located on the premises.
  - b. Flush mounted or wall painted signs, not exceeding fifteen (15) percent of a single wall area.
  - c. The total surface area of all business signs on a lot shall not exceed the sum of three hundred (300) square feet.
  - d. No signs shall project above the roof of a structure.
  - e. Directional signs on the premises, not exceeding three (3) square feet in area or six (6) feet in height.
  - f. Electronic changeable message signs, displaying only the time and temperature.
  - g. One (1) freestanding sign for each multiple tenant business development, owned or managed as a single center or development, not exceeding eighty (80) square feet in area or twenty (20) feet in height.
  - h. Each multiple tenant center, in which individual businesses will utilize wall signs, shall design a wall sign concept for the entire center, to promote individual sign compatibility, sign area equity and ensure ordinance compliance.

G. Specific Service and Tourism Signs.

1. Specific service and tourist-oriented business signs, as defined in M.S. Section 160.292, are permitted subject to the purposes and requirements established in M.S. Section 160.283, Section 160.285 and Sections 160.292-160.296.
2. Specific service signs and tourist-oriented business signs shall be administered by the Zoning Administrator, County Engineer and State Commissioner of Transportation.
3. No signs permitted in this section shall exceed eighty (80) square feet in area or twenty (20) feet in height.

H. Off-Premise Signs.

1. An off-premise advertising sign is a sign that directs attention to a business, product, service, sale, activity or entertainment not conducted on the premises on which the sign is located.
2. Except as otherwise specifically permitted in this Ordinance; off-premise advertising signs are regulated as follows:

- a. Off-premise advertising signs are restricted to the (CLI) District and require a conditional use permit.
- b. Off-premise advertising signs are considered a principal use of property and may not occupy any parcel with an existing structure or use.
- c. One (1) off-premise advertising sign is permitted per parcel, not exceeding eighty (80) square feet in area or twenty (20) feet in height.
- d. An off-premise advertising sign shall not be located closer than two thousand (2000) feet from another off-premise advertising sign.

**SECTION 5. ZONING DISTRICT PROVISIONS**

**5.01 Establishment of Districts**

The following zoning districts are hereby established within the County of Chisago:

A	Agricultural District
AP	Agricultural Preservation District
RRI	Rural Residential I District
RRII	Rural Residential II District
UR	Urban Residential District
RVC	Rural Village Center District
CLI	Commercial/Limited Industrial District
PAT	Protection and Transfer District
RTC	Rural Transit Center District

**5.02 Zoning Map**

The locations and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map entitled "Zoning Map", a copy of which is on file with the Zoning Administrator. Said maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made part of this Ordinance by reference.

**5.03 Detachment**

In the event of changes in the County limits which removes territory from the County, district boundaries shall be constructed as moving with County limits.

**5.04 Zoning District Boundaries**

- A. Boundaries indicated as approximately following the centerlines of roads, highways, alleys, or railroad lines shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual



shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed as following such center lines.

- D. Boundaries indicated as approximately following the County limits shall be construed as following such County limits.
- E. Where a District boundary line divides a lot, which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided for within this Ordinance.

**5.05 District Regulations**

The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to: exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yard, front yard, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. 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. The structure setbacks shall be applicable to newly created lot lines. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**5.06 Agricultural District (A)**

- A. Purpose.  
The (A) District is intended to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas.
- B. Permitted Uses.
  - 1. Agriculture uses
  - 2. Farm structures which are accessory to agriculture uses.
  - 3. Sump type livestock and/or poultry manure storage systems or other systems of manure storage that are of like and similar nature that prevent feed lot runoff provided they meet the standards for feed lots adopted by the Minnesota Pollution Control Agency.

4. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and Soil Conservation Service minimum standards.
5. Greenhouse or nursery.
6. Forestry and sod farming.
7. Wildlife areas, forest preserves, public parks for passive recreation owned or operated by a government agency or nonprofit organization, and other open space uses.
8. Temporary or seasonal roadside stands for sale of agricultural products raised in part on the premises upon which the stand is located - not to exceed one stand per farm.
9. Home occupations in accordance with Section 4.04.
10. One single family dwelling per lot.
11. Horse keeping.
12. Essential services in accordance with Section 4.05.
13. Daycare and residential facilities as defined in Minnesota Statutes.
14. Livestock feed and poultry lots subject to the requirements of the Minnesota Pollution Control Agency regulations.
15. Horse barns as a principal or accessory use, provided that the barn is not intended for use in a commercial equine operation, and contains no residential living quarters and/or sanitary facilities.

C. Conditional Uses.

1. All residential subdivisions, except as provided in Section 6.05Q.
2. Churches, chapels, temples, synagogues, mosques, and cemeteries, and associated accessory structures.
3. Local government administration and service buildings.
4. Community sewage treatment facilities.
5. Commercial recreation areas that are similar to public recreation areas including private campgrounds, golf courses, swimming pools, resorts, and crafting uses such as quilting and scrapbooking. Restaurants and/or liquor establishments when clearly incidental and associated with the primary commercial recreation use.
6. Agriculture oriented businesses such as grain and feed sales, sawmills, implement sales, implement repair and the processing and packaging of agricultural products,

excluding the custom processing or slaughter of animals.

7. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.
8. Commercial grain storage and/or drying.
9. Solid waste facilities.
10. Light construction equipment storage areas associated with a legal home occupation.
11. Regional pipelines, power transmission lines and towers over fifty (50) feet in height.
12. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.
13. Home occupations in accordance with Section 4.04.
14. Bed and breakfast establishments, as a principal use or accessory use, in structures determined by the Zoning Administrator to be of historical or architectural significance.
15. Personal use airstrips.
16. Commercial wireless telecommunication services, including towers and antennae, which meet the requirements of Section 7.28, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.
17. Agriculturally and animal-oriented educational facilities.
18. Supervised living facilities, as defined by Minnesota Statutes, of not more than 14 residents.
19. Shelter facilities for battered persons operated by a non-profit organization.
20. Contracting businesses owned and operated by person(s) residing at the property, which do not meet the requirements of Section 4.04 B.
21. Public parks for active recreation owned or operated by a government agency or nonprofit organization and other open space uses including museums or other buildings of historical significance as determined by the Zoning Administrator.
22. Retail sales of live bait and tackle with frontage on General Development Lakes.
23. Sculpture parks with production and educational facilities.
24. Cabinet /Woodworking Shops.
25. Wind Towers pursuant to Section 7.30.

D. Temporary Farm Employee Housing.

1. Purpose

The purpose of this subdivision is to recognize and accommodate the need for farmers to provide short-term seasonal farm employee housing in order to operate. It is the stated goal of this County to protect long-term agriculture as a vital element to the County's economy and it is the policy of Chisago County to minimize the loss of prime farmland for residential purposes. This subdivision recognizes the need for seasonal farm employees in turf and vegetable farms and seeks to provide reasonable standards for public safety, health, and general welfare while acknowledging the temporary seasonable nature of the housing.

2. Conditional Use Permit Required.

A Conditional Use Permit shall be required for Temporary Farm Employee Housing in an (A) District. For purposes of this Section, unit(s) shall mean either: 1) individual living quarters within a separate building(s) or; 2) individual living quarters within one building.

3. Performance Standards

All Temporary Farm Employee Housing shall conform to the following standards:

- a. The unit(s) shall comply with lot setback requirements for the zoning district.
- b. The primary use of the property shall be agriculture.
- c. The occupants of the unit(s) shall have at least one person engaged in agricultural employment on the parcel of land where such unit(s) is located.
- d. The unit(s) need not be located on the same parcel as the principal dwelling.
- e. Such permit shall be non-transferrable.
- f. Once the agricultural use of the property has ceased, the unit(s) must be removed.
- g. The unit(s) may not be sold or removed from property unless such removal is made to comply with item (e) above or until the permit holder determines that the temporary farm housing is no longer necessary. If the permit holder terminates their use of temporary farm housing, the permit holder shall notify in writing the Zoning Administrator that the permit is no longer being utilized.
- h. The unit(s) may only be occupied from May 1 to November 1 each year.
- i. The unit(s) shall not be rented and staying in the units shall not be a condition of employment.
- j. The number of units allowed under this Section shall be based on

demonstrated need by the applicant. The Planning Commission may require any information it deems appropriate from the applicant to support the need for the number of units being applied for.

- k. If the unit(s) is built as individual units they shall be separated from each other and from other structures by at least 20 feet, except where units are angled, when the minimum distance may be reduced to ten feet. Multiple units may be required to have greater separation.
- l. Each application shall include plans showing designated parking areas, outdoor lighting, recreational areas, and other structures or amenities associated with the permit.
- m. The units shall be built in compliance with the State Building Code.
- n. Each unit shall provide for an individual sewage treatment system in compliance with the Chisago County Sewage and Wastewater Treatment Ordinance. Sections 4.06, 4.07 and 4.08.1 and .2 of this Ordinance do not apply to Conditional Use Permits under this subdivision.

#### **5.07 Agricultural Preservation District (AP)**

- A. Purpose.  
The purpose of the Agricultural Preservation District is intended to provide areas to be utilized as Agricultural Preserves, subject to eligibility requirements of this Ordinance and Minnesota Statutes.
- B. Minimum District Requirements.  
The minimum area required to establish an (AP) Agricultural Preserves District is 200 acres.
- C. Permitted Uses.
  - 1. Agricultural uses and accessory structures.
  - 2. A maximum density of one single family dwelling per forty (40) acres, with a minimum buildable lot area of one (1) acre.
  - 3. Home occupations in accordance with Section 4.04.
- D. Conditional Uses.
  - 1. Any uses permitted in Minnesota Statutes that are not listed in Section 5.07 C of this Ordinance.

#### **5.08 Rural Residential I District (RRI)**

- A. Purpose.  
The (RRI) District is intended to provide a transition area between lower density rural areas and those more urban in nature which will: 1) accommodate lower density residential

development in areas of existing development and in close proximity to incorporated municipalities and municipal services; 2) provide for the long range orderly growth and expansion of municipalities; and 3) allow for the efficient extension of municipal services in the future.

B. Permitted Uses.

1. One single-family dwelling per lot and accessory structures.
2. Home occupations in accordance with Section 4.04.
3. Wildlife areas, forest preserves, and public parks for passive recreation, owned or operated by a government agency or nonprofit organization and other open space uses.
4. Daycare and residential facilities as defined in Minnesota Statutes.

C. Conditional Uses.

1. Churches, chapels, temples, synagogues, mosques, and cemeteries, and associated accessory structures.
2. Local government administration and service buildings.
3. Hospitals, convalescent homes, nursing homes, and medical clinics, where public utilities are available.
4. Veterinary clinics.
5. Schools or other educational facilities, where public utilities are available.
6. Community sewage treatment facilities.
7. Commercial recreation areas that are similar to public recreation areas including private campgrounds, golf courses, swimming pools, resorts, and crafting uses such as quilting and scrapbooking. Restaurants and/or liquor establishments when clearly incidental and associated with the primary commercial recreation use.
8. Public parks for active recreation owned or operated by a government agency or nonprofit organization, and other open space uses including museums or other buildings of historical significance as determined by the Zoning Administrator.
9. Residential kennels.
10. Temporary or seasonal roadside stands for sale of agricultural products not to exceed one stand per parcel.
11. Home occupations in accordance with Section 4.04.

12. Planned unit development in accordance with Section 7.19.
13. Bed and breakfast establishments, as a principal or accessory use, for structures determined by the Zoning Administrator to be of historical or architectural significance.
14. Retail sales of live bait and tackle with frontage on General Development Lakes.

#### **5.09 Rural Residential II District (RRII)**

A. Purpose.

The (RRII) District is intended to provide a transition area between agricultural areas and higher density rural residential areas.

B. Permitted Uses.

1. One single family dwelling per lot and accessory uses.
2. Home occupations in accordance with Section 4.04.
3. Temporary or seasonal roadside stands for the sale of agricultural products raised in part on the premises upon which the stand is located, not to exceed one stand per lot.
4. Horse keeping at a maximum density of one (1) horse per two (2) acres.
5. Daycare and residential facilities as defined in Minnesota Statutes.
6. Wildlife areas, forest preserves, and public parks for passive recreation, owned and operated by a government agency or non-profit organization and other open space uses.

C. Conditional Uses.

1. Churches, chapels, temples, synagogues, mosques, and cemeteries and associated accessory structures.
2. Local government administration and service buildings.
3. Hospitals, convalescent homes, nursing homes, and medical clinics, where public utilities are available.
4. Schools or other educational facilities, public and private, where public utilities are available.
5. Veterinary clinics.
6. Residential kennels.
7. Commercial recreation areas that are similar to public recreation areas including

private campgrounds, golf courses, swimming pools, resorts, and crafting uses such as quilting and scrapbooking. Restaurants and/or liquor establishments when clearly incidental and associated with the primary commercial recreation use.

8. Public parks for active recreation owned or operated by a government agency or nonprofit organization and other open space uses including museums or other buildings of historical significance as determined by the Zoning Administrator.
9. Home occupations in accordance with Section 4.04.
10. Bed and breakfast establishments, as a principal use or accessory use in structures determined by the Zoning Administrator to be of historical or architectural significance.
11. Arts studios, as follows:
  - a. The structure footprint is limited to 5% of the gross land area of the property.
  - b. The architecture of the studio shall be designed to be aesthetically compatible with the surroundings.
  - c. That the normal side setbacks be doubled (from 10 to 20 feet).
12. Planned Unit Developments.
13. Retail sales of live bait and tackle with frontage on General Development Lakes.

#### **5.10 Urban Residential District (UR)**

- A. Purpose.

The (UR) District is intended to provide an urban expansion area which will: 1) accommodate urban density residential development in areas of existing development, in close proximity to incorporated cities and with immediate connection to public utilities, and 2) provide for the orderly growth and expansion of municipalities.
- B. Permitted Uses.
  1. One single family dwelling.
  2. One two family dwelling.
  3. Accessory uses.
  4. Daycare and residential facilities as required in Minnesota Statutes.
  5. Home occupations in accordance with Section 4.04.
- C. Conditional Uses.



1. Churches, chapels, temples, mosques, synagogues, and cemeteries, and associated accessory structures.
2. Local government administration and service buildings.
3. Hospitals, convalescent homes, and nursing homes.
4. Schools or other educational facilities, public and private.
5. Home occupations in accordance with Section 4.04.
6. Planned unit development in accordance with Section 7.19.
7. Essential services in accordance with Section 4.05.
8. Bed and breakfast establishments, as a principal use or accessory use, in structures determined by the Zoning Administrator to be of historical or architectural significance.

#### **5.11 Rural Village Center District (RVC)**

- A. Purpose.  
The (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas.
- B. Permitted Uses.
  1. Retail stores.
  2. Restaurants and liquor establishments.
  3. Offices.
  4. Veterinary clinics.
  5. Clubs and lodges.
  6. Service and repair businesses.
  7. Financial institutions.
  8. Essential services in accordance with Section 4.05.
  9. Local government administration and service buildings.
  10. Bed and breakfast establishments, as a principal use or accessory use, in structures determined by the Zoning Administrator to be of historical or architectural significance.
- C. Conditional Uses.

1. Motor vehicle sales and/or repair.
2. Seasonal businesses.
3. Educational facilities.
4. Planned unit developments in accordance with Section 7.19, [including multi-family residential developments utilizing communal septic systems.]
5. Drive-in/drive-through businesses in accordance with Section 7.22.
6. Accessory residential unit in the second story of a permitted use.
7. Farm implement sales and service.
8. Hotels and motels.
9. Churches, chapels, temples, mosques, synagogues, and cemeteries, and associated accessory structures.
10. Commercial recreation facilities.
11. Motor vehicle service stations

## **5.12 Commercial/Limited Industrial (CLI)**

### **A. Purpose.**

The (CLI) District is intended to provide a district that will allow for light manufacturing, limited business and warehousing facilities, which do not require a high level of public services or public sewer and water.

### **B. Permitted Uses.**

- 1 Light manufacturing.
- 2 Warehousing.
- 3 Wholesaling.
- 4 Offices.
- 5 Contracting, building establishments.
- 6 Service and repair businesses, including motor vehicle repair.
- 7 Public storage Buildings.
- 8 Essential services in accordance with Section 4.05.

9 Local government administration and service buildings.

C. Conditional Uses.

1. Motor vehicle reduction/salvage yards in accordance with Section 7.25.
2. Open storage yards.
3. Motor vehicle service stations in accordance with Section 7.24.
4. Solid waste facilities in accordance with Section 7.26
5. Commercial wireless telecommunication services, including towers and antennae, which meet the requirements of Section 7.28, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.
6. Adult uses pursuant to Section 7.29.

**5.13 Rural Transit Center**

A. Purpose.

The (RTC) Rural Transit Center District is intended to provide appropriate and centralized support facilities, and retail and service businesses adjacent to the Interstate 35 / County Road 17 highway interchange.

B. Permitted Uses.

1. Single family dwellings and accessory structures subject to the following provisions:
  - a. Dwelling sites shall not exceed a maximum density of eight (8) residential lots per forty (40) acres.
  - b. Each parcel shall contain a minimum buildable area of one (1) acre.
  - c. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - d. A dwelling located on a parcel meeting the conditions of Section 4.10 E. of the Lent Township Zoning Ordinance may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
  - e. Any parcel less than five (5) acres in size will be subject to the requirements of Section 7.19 of the Lent Township Zoning Ordinance.
2. Public parking and transit facilities, provided:

- a. The facility site is not less than two and one-half (2 ½) acres, nor more than ten (10) acres in size.
  - b. Adequate and appropriate on-site waste treatment, storm water management and water supply systems are utilized.
  - c. No more than fifty percent (50%) if the site is covered by impervious surface.
3. Local government administration and service buildings.
  4. Agriculture uses, including farm structures which are accessory to agriculture uses.
  5. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State, and Soil Conservation Service minimum standards.
  6. Temporary or seasonal roadside stands for sale of agricultural products raised on the premises upon which the stand is located, but not to exceed one stand per farm.
  7. Greenhouse or nursery.
  8. Forestry and sod farming.
  9. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
  10. Home occupations in accordance with Section 4.04 of the Lent Township Zoning Ordinance.
  11. Daycare and residential facilities as required in Minnesota Statutes.

C. Conditional Uses.

1. Two-family dwellings and accessory structures subject to the following provisions:
  - a. Dwellings sites shall not exceed a maximum density of eight (8) residential lots per forty (40) acres.
  - b. Each parcel shall contain a minimum buildable area of two (2) acres.
  - c. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - d. A dwelling located on a parcel meeting the conditions of Section 4.10 E. of the Lent Township Zoning Ordinance may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
  - e. Any parcel less than five (5) acres in size will be subject to the requirements

of Section 7.19 of the Lent Township Zoning Ordinance.

2. Public parking and transit facilities larger than ten (10) acres in size, provided:
  - a. Adequate and appropriate on-site waste treatment, storm water management and water supply systems are utilized.
  - b. No more than thirty percent (30%) of the site is covered by impervious surfaces.
3. Essential services in accordance with Section 4.05 of the Lent Township Zoning Ordinance.
4. Conservation subdivisions and planned unit developments in accordance with Section 7.19 of the Lent Township Zoning Ordinance.
5. Keeping, boarding, breeding, feeding, sheltering, or training of horses, where the density does not exceed one (1) horse per two and one-half (2 ½) acres.
6. Bed and breakfast establishments, as a principal or accessory use.
7. Superette or convenience grocery stores.
8. Self-service gasoline stations.
9. Automobile service stations in accordance with Section 7.23 of the Lent Township Zoning Ordinance.
10. Automobile sales in accordance with Section 7.22 of the Lent Township Zoning Ordinance.
11. Drive-in businesses in accordance with Section 7.21 of the Lent Township Zoning Ordinance.
12. Restaurants.
13. Hotels and motels.
14. Retail and Rental stores.
15. General Service and Repair businesses.
16. Financial Institutions.
17. Offices for Professional Services.
18. Recreational vehicle sales and service.
19. Commercial wireless telecommunication services, including towers and antennae,

provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.

D. Prohibited Uses.

Any uses posing a real or potential hazard or threat to public health, safety or welfare, and uses not specified as permitted or conditional uses shall be prohibited.

**5.14 Protection and Transfer District (PAT)**

A. Purpose.

The (PAT) District is intended to enhance the preservation of agricultural land and the protection of natural resources, by establishing lower density development standards and promoting the transfer of development credits.

B. Permitted Uses.

The permitted uses in the PAT District shall include all of the uses in Section 5.06 B, except that the maximum density of residential dwellings shall be one (1) home per twenty (20) acres (1:20).

C. Conditional Uses.

1. Agriculture oriented businesses such as grain and feed sales, implement sales, implement repair and the processing and packaging of agricultural products.
2. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.
3. Commercial grain storage and drying.
4. Regional pipelines, power transmission lines and towers not exceeding fifty (50) feet in height.
5. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.
6. Home occupations in accordance with Section 4.04.
7. Bed and breakfast establishments, as a principal use or accessory use in structures determined by the Zoning Administrator to be of historical or architectural significance.
8. Personal use airstrips.
9. Commercial wireless telecommunication services, including towers and antennae, which meet the requirements of Section 7.28, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.
10. Cabinet/woodworking shops.
11. Wind towers pursuant to Section 7.30.

## 5.15 Dimensional Standards

ZONING DISTRICT							
	AP	A	RR-II	RR-I	UR	RVC	PAT
<b>Minimum Lot Area</b> <sup>1</sup>	40 acres	5 acres	2 acres	1 acre	20,000 SF	1 acre	20 acres
<b>Minimum Buildable Area</b>	1 acre	1 acre	1 acre	1 acre	20,000 SF	1 acre	1 acre
<b>Minimum Lot Width</b> <sup>1</sup>	300'	300'	200'	200'	100'	200'	300'
<b>Minimum Lot Depth</b> <sup>1</sup>	300'	300'	200'	200'	150'	200'	300'
<b>Minimum Setbacks from Centerline of:</b>							
-County Roads	135'	135'	135'	135'	135'	-	135'
-C.S.A.H. and State Highways	135'	135'	135'	135'	135'	-	135'
<b>Minimum Setbacks Measured from Right of Way:</b> County and C.S.A.H.						0	
-Township Roads	40'	40'	40'	40'	40'	0	40
-Highway 8	150'	150'	150'	150'	150'	150'	150'
<b>Minimum Side Yard Setbacks:</b>						10'	
Ag structures	40'	40'	40'	-	-	-	40'
Dwelling and Att'd. Garage	40'	20'	10'	10'	10'	-	20'
Detached Non-Ag Accessory Structures -	40'	20'	5'	5'	5'	-	20'
<b>Minimum Rear Yard Setbacks</b>	50'	50'	25'	25'	25'	30'	30'
<b>Maximum Height of Non -Ag Structures</b>	35'	35'	35'	35'	35'	35'	35'

<sup>1</sup> Lot size and dimensions may be reduced in all districts except PAT in accordance with Section(s) 7.18 and/or 7.19.

## SECTION 6. SPECIAL MANAGEMENT OVERLAY DISTRICTS

### 6.01 Purpose

It is the purpose of this section to identify extraordinary standards and requirements desirable for the protection of special or unique resources in Chisago County.

## **6.02 Establishment of Overlay Districts**

The districts identified in this section are intended to include provisions which are in addition to or overlay one or more underlying districts established in Section 5 of this Ordinance. The overlay districts in the section are identified as a uniform corridor width or setback dimension from an object, such as a river or road, or the districts may be defined by a legal description. The following special management districts are established in Chisago County:

- UO - Upper St. Croix Overlay
- LO - Lower St. Croix Overlay
- SO - Sunrise River Overlay
- CO - Carlos Avery Overlay
- HO - Highway 8 Overlay
- DTO – Development Transfer Overlay
- SLO – Sunrise Lake Overlay

## **6.03 Scope**

In the event any provisions of this section are in conflict with other provisions of this Ordinance or provisions of other laws, the stricter provisions shall apply. The provisions contained in Section 6 are in addition to provisions contained in the Chisago County Shoreland Management Ordinance and Floodplain Management Ordinance.

## **6.04 Upper St. Croix Overlay (UO)**

- A. Purpose.  
The purpose of the (UO) is to protect and preserve the existing natural, scenic and recreational values of the St. Croix River, and to provide for development activities which do not detract from these values.
- B. Permitted Uses.  
The following uses are permitted within the UO District:
  - 1. All permitted uses in the (A) District
  - 2. All permitted accessory uses in the (A) District.
- C. Conditional Uses.
  - 1. The extraction of minerals, sand, gravel, rock or other material from the earth in accordance with Section 7.27.
  - 2. Bed and breakfast establishments, as a principal or accessory use, for structures determined by the County Board to be of historical or architectural significance.
- D. Minimum Lot Area.  
The required minimum lot area is determined by the underlying zoning district provisions.
- E. Minimum Water Frontage and Lot Width at Building Line.



A water frontage and lot width of three hundred (300) feet at the building line is required.

F. Minimum Structure Setback from Ordinary High Water Mark.

The following minimum setbacks from the ordinary high water mark and blufflines shall apply to all structures and private roads and parking areas, except those specified as exceptions herein:

1. No structure shall be located nearer than two hundred (200) feet from the ordinary high water mark and not less than one hundred (100) feet from a bluffline.
2. Exceptions to the minimum setbacks: Structure setbacks from a bluffline may be reduced to a minimum of not less than forty (40) feet when it can be demonstrated that no change in the natural appearance of the shoreline, slope and bluffline will occur and the structures will be visually inconspicuous in summer months as viewed from the river. In reviewing the proposed building site, the Zoning Administrator may determine that the structure setback can be varied to within the 40-100 foot range from a bluffline if the natural appearance of the shoreline, slope and bluffline is preserved. In no case shall a reduction result in the placement of structure less than two hundred (200) feet from the ordinary high water mark.

G. Placement of Structures.

In addition to the setback requirements, placement of structures shall be controlled as follows:

1. No structures, except stairways and lifts, shall be permitted on slopes greater than 12 percent. Regardless of the number of blufflines on a given property, structures on slopes shall not be permitted. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.
2. Stairways and lifts to enable access from bluffland properties to the water on steep slopes may be allowed by the Zoning Administrator provided the disruption of vegetation and topography is kept to a minimum and the structure will be visually inconspicuous in summer months as viewed from the river.
3. The total area of all impervious surfaces on a lot shall not exceed twenty (20) percent of the total lot area.

H. Structure Height.

The distance between the average ground level at the building line and the uppermost point of the structure shall not exceed thirty-five (35) feet.

I. Color of Structures.

The exterior color of new structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river by topography. This standard shall apply to the repainting and reroofing of existing structures visible from the river.

J. Shoreland Alterations.

1. Removal of Vegetation.  
The removal of natural vegetation shall be restricted to prevent erosion into public

waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. On lands within two hundred (200) feet of the ordinary high water mark, fifty (50) feet landward of blufflines, and on slopes greater than 12 percent, there shall be no vegetative cutting of live trees, bushes or shrubs without first obtaining a permit if so required by the Zoning Administrator; except as follows:

- a. The cutting, including topping, involves trees less than six (6) inches in diameter at a height of five feet from grade;
  - b. The cutting, including topping, involves vegetation which is not screening, or will not serve as screening of any existing or potential structure from view from the river;
  - c. The essential character, quality and density of existing growths is preserved and continuous canopy cover is maintained;
  - d. Diseased trees are to be removed and their removal is in the public interest,
  - e. Cutting is necessary for the maintenance of transportation or utility right-of-way; provided that vegetative cutting shall be accomplished in such manner that the essential character, quality and density of existing growths is preserved and a continuous canopy cover is maintained as viewed from the river.
  - f. The following vegetation removal is permitted:
    - i. Clearing the minimum area necessary for a structure, sewage disposal system, private road and parking area, undertaken pursuant to validly issued permits as required by County Ordinances provided that such permits shall be accompanied by a diagram indicating the location of the proposed improvement or construction and the number of and the size of trees to be removed.
    - ii. Maintenance trimming or pruning on any particular property or in transportation or utility right-of-way.
    - iii. Vegetative cutting in areas in areas greater than two hundred (200) feet from the ordinary high water mark and having slopes less than 12 percent provided that the cutting, including topping, involves vegetation which is not screening or will not serve as screening to any existing structure or potential structure location from view from the river.
2. Grading and Filling.  
Grading and filling in the Shoreland District or any alterations of the natural topography where the slope of the land is toward public water or a watercourse leading to public water must be authorized by a permit. The permit shall be granted subject to the following conditions that:

- a. The smallest amount of bare ground is exposed for as short a time as feasible;
- b. Temporary ground cover, such as mulch, is used and permanent ground cover is planted;
- c. Methods to prevent erosion and trap sediment are employed; and
- d. Fill is stabilized to accepted engineering standards. Permits are not required for grading and filling associated only with the construction of a building for which a permit has been issued, or for the movement of less than ten (10) cubic yards of material.

K. Sanitary Standards and Criteria.

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of blufflands, shorelands, and related water resources, the following provisions shall control individual water supply and waste disposal systems, with respect to location, construction, repair, use and maintenance; and shall control commercial, agricultural, industrial and public waste disposal and solid waste disposal sites.

1. Water Supply.

All measures taken to supply water to a lot or structure within the St. Croix Riverway shall conform to the following provisions:

- a. Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality; and
- b. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination.

2. Sewage Disposal.

Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

- a. Public or municipal collection and treatment facilities shall be used where available or feasible.
- b. All private sewage and other private sanitary waste disposal systems shall require a permit from the Chisago County Zoning Administrator and shall be subject to and conform with applicable standards, criteria, rules and regulations of Chisago County, the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- c. Septic tank and soil absorption systems shall be set back not less than two hundred (200) feet from the ordinary high-water mark and not less than forty (40) feet from a bluffline.
- d. Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage:

- i. low, swampy areas, areas subject to recurrent flooding, or natural spring areas; or
- ii. areas where the highest known ground water table, bedrock, or impervious surface soil conditions are within three (3) feet of the bottom of the system; or
- iii. areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.
- e. Alternative methods of sewage disposal as privies, holding tanks, electric or gas incinerators, biological and/or tertiary waste treatment plants, or land disposal systems, are allowable provided such facilities meet the standards, criteria, rules, and regulations of Chisago County and the Minnesota Department of Health and the Pollution Control Agency.
- f. Public sewage disposal and commercial, agricultural, industrial, and solid waste disposal shall be subject to the standards, criteria, rules and regulations of Chisago County and the Minnesota Pollution Control Agency.

L. Substandard Lots.

Lots recorded in the office of the Recorder/Registrar of Title of Chisago County on or before the effective date of this Ordinance that do not meet the dimensional requirements herein may be allowed as building sites provided the following conditions are met:

- 1. The proposed use is permitted in the Zoning District;
- 2. The lot was in separate ownership from abutting lands since April 20, 1970;
- 3. It can be demonstrated that a proper and adequate sewage disposal system can be installed in accordance with the Chisago County On-Site Sewage and Wastewater Treatment Ordinance; and
- 4. The setback and height restrictions contained herein can be met. Variances may be granted for side lot and landward setbacks up to but not exceeding thirty-five (35) percent of the required setback specifications. A variance may be granted from the setback requirements on the river side of the lot as provided in the Section setting forth such standards, but in no event shall a variance be granted for a structure any part of which would be visible from the river during the summer months.

M. Substandard Structures.

Pursuant to Minnesota State Statutes: In the case of homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes:

- 1. A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

2. If the non-conformity or occupancy is discontinued for a period of more than one year, or any non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
3. If a non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, the County may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

## **6.05 Lower St. Croix Overlay (LO)**

### **A. Purpose.**

This Ordinance is adopted to protect and preserve the outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural and other similar values of the St. Croix National Scenic Riverway in a manner consistent with the National Wild and Scenic Rivers Act (P.L. 90-542), and the Federal Lower St. Croix River Act (P.L. 92-560), and the Standards and Criteria promulgated by the Minnesota Department of Natural Resources. This Ordinance is adopted in accordance with and pursuant to Minnesota Statutes, as amended, and the Standards and Criteria adopted thereunder by the Minnesota Department of Natural Resources. Reference to the "Commissioner" in this Section shall mean the "Commissioner of the Department of Natural Resources."

### **B. District Application.**

This Ordinance is applicable to and enforceable in the unincorporated areas of Chisago County, as contained within the Lower St. Croix National Scenic Riverway boundary, as established in the Lower St. Croix Master Plan; and affix all unincorporated areas of the County lying easterly, northerly, or southerly (between the described boundary and the St. Croix River), said boundary described as follows, to wit:

1. In township 33, Range 19, the boundary lies in the following Sections, as described:

#### Section 2.

Government Lots, 5, 6, 7a & 10; that portion of Government Lot 8 and the NW 1/4 of SW 1/4 lying South and East of a line extended southwesterly from the center of said Section 2 to a point on the south line of said NW 1/4 of SW 1/4, said point being midway between the SE corner and the SW corner of said NW 1/4 of SW 1/4; and that portion of Government Lot 9 lying south and east of the north line of Outlot 2 and the centerline of Edward Street as per plat of "Franconia" recorded in the office of the County Recorder/Registrar of Title of Chisago County, Minnesota; all that portion of the NE 1/4 of NW 1/4 of Lot C of Harmony Heights Revised, as per plat thereof, recorded as Document No. 98056 of the Chisago County Minnesota records.

#### Section 3.

That portion of the SE 1/4 of SE 1/4 lying south and east of the centerline of Edward Street and that portion bounded by the following described line: Beginning at the intersection of the south line of said SE 1/4 of SE 1/4 with the centerline of Cornelian

Street; thence northeasterly, along said centerline of Main Street; to the centerline of Edward Street and there ending, all as per the plat thereof of "Franconia" recorded in the post office for the County Recorder/Registrar of Title of Chisago County, Minnesota.

Section 10.

Government Lots 1, 2, and 3 and that portion of Government Lot 4 lying East of a line 990 feet East of and parallel to the west line of said Lot 4; the NW 1/4 of NE 1/4; the S 1/2 of NE 1/4 of NW 1/4 of E 1/2 of SE 1/4 of NW 1/4 of NW 1/4; the E 1/2 of E 1/2 of SW 1/4 of NW 1/4; the SE 1/4 of NW 1/4; and the E 1/2 of E 1/2 of NW 1/4 of SW 1/4.

Section 11.

Government Lot 1.

Section 15.

That portion of Government Lot 6 lying East of a line 990 feet East of and parallel to the west line of said Lot 6; all of Government Lots 7, 8, 9 and 10; the E 1/2 of E 1/2 of SW 1/4 of NW 1/4; the E 1/2 of E 1/2 of NW 1/4 of SW 1/4; and the E 1/2 of E 1/2 of SW 1/4 of SW 1/4.

Section 21.

The NE 1/4 of SE 1/4 of SE 1/4 and the S 1/2 of SE 1/4 of SE 1/4.

Section 22.

Government Lots 5, 6, 7 and 8; Government Lot 9; the W 1/2 of NW 1/4 and the NW 1/4 of SW 1/4.

Section 27.

Government Lots 1 and 4.

Section 28.

Government Lots 1, 3, 4 and 7; that portion of Government Lot 2 lying south and east of the Centerline of County Highway 243; the E 1/2 of NW 1/4 of NE 1/4; that portion of the NW 1/4 lying south and west of the centerline of County Highway 243 and south and east of the centerline of State Highway 95; and the N 1/2 of SW 1/4 and the SW 1/4 of SW 1/4.

Section 31.

The SE 1/4 of SE 1/4 of SW 1/4; the S 1/2 of NE 1/4 of SE 1/4; the SE 1/4 of NW 1/4 of SE 1/4; the NE 1/4 of SW 1/4 of SE 1/4; the S 1/2 of SW 1/4 of SE 1/4; and the SE 1/4 of SE 1/4.

Section 32.

Government Lots 1, 2, and 3; the S 1/2 of N 1/2 of NE 1/4; the S 1/2 of N 1/2 of NE 1/4 of NE 1/4; the S 1/2 of N 1/2 of NW 1/4 of NE 1/4; the SW 1/4 of NE 1/4; the S 1/2 of NE 1/2 of SE 1/4 of NW 1/4; the SE 1/4 of NW 1/4 of SE 1/4 of NW 1/4; of SW 1/4 of SE 1/4 of NW 1/4; the SE 1/4 of SE 1/4 of NW 1/4; the NE 1/4 of SW 1/4; the S 1/2 of NW 1/4 of SW 1/4; the E 1/2 of NE 1/4 of SW 1/4 of SW 1/4; and the

SW 1/4 of SW 1/4.

Section 33.

Government Lot 1.

2. In Township 34, Range 19:

Section 35.

Government Lots 2 and 3 and the portion of the SW 1/4 of SE 1/4 lying south and east of line extended northeasterly from the SW corner to the NE corner of said SW 1/4 of SE 1/4.

C. St. Croix Riverway Designation and Establishment of a District.

There shall be one district in the unincorporated areas of Chisago County, being rural in character, as designated under the St. Croix National Scenic Riverway master plan. This district shall not be changed by future incorporation, consolidation, annexation or any change in the political authority or administration having jurisdiction over the area as now designated.

D. Permitted Uses.

The following uses are permitted:

1. Conservancy.
2. Agriculture.
3. Single family residential.
4. Governmental highway waysides, rest areas, information areas.
5. Scenic overlooks.
6. Governmental resource management and interpretative activities.

E. Conditional Uses.

No conditional uses are permitted.

F. Lot Size and Width.

1. The required minimum lot area is determined by the underlying district provisions. In no case shall any lot be less than two and one-half (2.5) acres.
2. The minimum lot width at the building setback line and along any river frontage shall be at least three hundred (300) feet.

G. Number of Dwelling Units.

There shall be not more than one dwelling unit per lot.

H. Structure Setbacks.

The following minimum setbacks from the ordinary high water mark and blufflines shall apply to all structures and private roads and parking areas, except those specified as exceptions herein:

1. No structure shall be located nearer than two hundred (200) feet from the ordinary high water mark and not less than one hundred (100) feet from a bluffline.
2. Exceptions to the minimum setbacks:
  - a. Structure setbacks from a bluffline may be reduced to a minimum of not less than forty (40) feet when it can be demonstrated that no change in the natural appearance of the shoreline, slope and bluffline will occur and the structures will be visually inconspicuous in summer months as viewed from the river. In reviewing the proposed building site, the Zoning Administrator may determine that the structure setback can be varied to within the 40-100 foot range from a bluffline if the natural appearance of the shoreline, slope and bluffline is preserved, and if the applicant agrees to donate a scenic easement to the state and to the County of Chisago jointly. Should the State of Minnesota vacate said easement, the easement shall continue in full force and affect and insure to the benefit of the County of Chisago until such time as the Board of Commissioners officially vacates said easement. Said scenic easement shall specify that on all land lying from the proposed building line to the river, or property line closest to the river, no destruction, cutting, trimming or removal of trees, shrubs, bushes or plants and no topographic changes of the natural landscape by excavation, drainage, filling, dumping or any other means shall occur without a written authorization from the Commissioner of Natural Resources and the Chisago County Board of Commissioners for the County of Chisago.
  - b. Where a substandard setback pattern from the ordinary high water mark of a bluffline has already been established by existing principal dwelling unit structures on adjacent lots on both sides of the proposed building site, the setback of the proposed structure shall be the average setback of the existing dwelling units, plus 40 feet, or the required minimum setback of the particular zoning district, whichever distance is less from the established substandard setback line.
  - c. Developments subject to state permits which provide services to the public and which, by their nature, require location on or near public waters shall be subject to the conditions of the state permits as provided in those provisions of N.R. 2201 specified below:
    - N.R. 2201 (d) Sanitary Standards and Criteria.
    - N.R. 2201 (g) Alterations in Public Waters.
    - N.R. 2201 (h) Transmission Services.
    - N.R. 2201 (I) Public Roads.
3. Temporary docks may be allowed as approved by federal or state government to



extend into the water the minimum distance necessary to facilitate the launching or mooring of watercraft during the open water season.

4. Signs may be allowed as approved by federal and state government which are necessary for the public health and safety. Signs may also be allowed that indicate areas that are available or not available for public use. Outside the minimum setbacks within the St. Croix Riverway, signs that are otherwise lawful are permitted, provided they will be visually inconspicuous in summer months as viewed from the river.
5. Stairways and lifts to enable access from bluffland properties to the water on steep slopes may be allowed by the Zoning Administrator provided the disruption of vegetation and topography is kept to a minimum and the structure will be visually inconspicuous in summer months as viewed from the river.

I. Placement of Structures.

In addition to the setback requirements, placement of structures shall be controlled as follows:

1. No structures, except stairways and lifts, shall be permitted on slopes greater than 12 percent. Regardless of the number of blufflines on a given property, structures on slopes shall not be permitted. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.
2. Stairways and lifts to enable access from bluffland properties to the water on steep slopes may be allowed by the Zoning Administrator provided the disruption of vegetation and topography is kept to a minimum and the structure will be visually inconspicuous in summer months as viewed from the river.
3. The total area of all impervious surfaces on a lot shall not exceed twenty (20) percent of the total lot area.

J. Structure Height.

The distance between the average ground level at the building line and the uppermost point of the structure shall not exceed thirty-five (35) feet.

K. Color of Structures.

The exterior color of new structures, including roofs, shall be of earth tones, unless completely screened from the river by topography. This standard shall apply to the repainting and reroofing of existing structures visible from the river.

L. Shoreland Alterations.

The following uses and standards are provided to preserve vegetative and topographical screening, and to retard surface runoff, soil erosion and nutrient loss:

1. Vegetative Cutting.  
The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. On lands within two hundred (200) feet of the ordinary high water mark, fifty (50) feet landward of blufflines, and on slopes greater than 12 percent, there shall be no

vegetative cutting of live trees, bushes or shrubs without first obtaining a permit if so required by the Zoning Administrator; except as follows:

- a. The cutting, including topping, involves trees less than six (6) inches in diameter at a height of five feet from grade;
- b. The cutting, including topping, involves vegetation which is not screening, or will not serve as screening of any existing or potential structure from view from the river;
- c. The essential character, quality and density of existing growth is preserved and continuous canopy cover is maintained;
- d. Diseased trees are to be removed as their removal is in the public interest,
- e. Cutting is necessary for the maintenance of transportation or utility right-of-way; provided that vegetative cutting shall be accomplished in such manner that the essential character, quality and density of existing growths is preserved and a continuous canopy cover is maintained as viewed from the river.
- f. The following vegetation removal is permitted:
  - i. Clearing the minimum area necessary for a structure, sewage disposal system, private road and parking area, undertaken pursuant to validly issued permits as required by County Ordinances provided that such permits shall be accompanied by a diagram indicating the location of the proposed improvement or construction and the number of and the size of trees to be removed.
  - ii. Maintenance trimming or pruning on any particular property or in transportation or utility right-of-way.
  - iii. Vegetative cutting in areas in areas greater than two hundred (200) feet from the ordinary high water mark and having slopes less than 12 percent provided that the cutting, including topping, involves vegetation which is not screening or will not serve as screening to any existing structure or potential structure location from view from the river.

2. Grading and Filling.

Grading, filling, excavating or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without first obtaining a permit from the Zoning Administrator. A permit may be issued only if:

- a. Slopes greater than twelve (12) percent are preserved to the greatest extent possible;

- b. Earthmoving, erosion, vegetative cutting, draining or filling of wetlands and the destruction of natural amenities is minimized;
- c. The smallest amount of bare ground is exposed for as short a time as feasible;
- d. Temporary ground cover, such as mulch, is used and permanent ground cover is planted;
- e. Methods to prevent erosion and trap sediment are employed; and
- f. Fill is stabilized to accepted engineering standards.

A separate grading and filling permit is not required for grading, filling or excavating the minimum area necessary for the construction of a structure, sewage disposal system or private road, provided said improvements are undertaken pursuant to a validly issued permit as required by the Chisago County code and provided that the standards immediately preceding this paragraph are not violated. The Zoning Administrator shall be provided with such information as is reasonably necessary to assure compliance with these grading and filling standards.

M. Sanitary Standards and Criteria.

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of blufflands, shorelands, and related water resources, the following provisions shall control individual water supply and waste disposal systems, with respect to location, construction, repair, use and maintenance.

1. Water Supply.

All measures taken to supply water to a lot or structure within the St. Croix Riverway shall conform to the following provisions:

- a. Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality.
- b. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination.

2. Sewage Disposal.

Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with the Chisago County Sewage and Wastewater Treatment Ordinance.

- a. Public or municipal collection and treatment facilities shall be used where available or feasible.
- b. All private sewage and other private sanitary waste disposal systems shall require a permit from the Chisago County Zoning Administrator and shall be subject to and conform with applicable standards, criteria, rules and

regulations of Chisago County and the Minnesota Pollution Control Agency.

- c. Septic tank and soil absorption systems shall be set back not less than two hundred (200) feet from the ordinary high water mark and not less than forty (40) feet from a bluffline.

N. Substandard Lots.

Lots recorded in the office of the Recorder/Registrar of Title of Chisago County on or before 12:00 P.M. on April 30, 1974, that do not meet the dimensional requirements, herein may be allowed as building sites provided the following conditions are met:

1. The proposed use is permitted in the Zoning District;
2. The lot was in separate ownership from abutting lands since 12:00 P.M. on April 30, 1970;
3. It can be demonstrated that a proper and adequate sewage disposal system can be installed in accordance with the Chisago County Sewage and Wastewater Treatment Ordinance; and
4. The setback and height restrictions contained herein can be met. Variances may be granted for side lot and landward setbacks up to but not exceeding thirty-five (35) percent of the required setback specifications. A variance may be granted from the setback requirements on the river side of the lot as provided in the Section setting forth such standards, but in no event shall a variance be granted for a structure any part of which would be visible from the river during the summer months.

O. Substandard Structures.

Pursuant to Minnesota State Statutes; In the case of homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes:

1. A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
2. If the non-conformity or occupancy is discontinued for a period of more than one year, or any non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
3. If a non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, the County may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

P. Subdivision Provisions.

Subdivisions in the LSCO shall not require a Conditional Use Permit, however the Planning Commission and/or County Board may still impose conditions of approval for any subdivision.

1. Land Suitability.
  - a. Land may be subdivided only where it is demonstrated by the applicant that all lots are suitable for residential development.
  - b. No land shall be subdivided which is held unsuitable by the Chisago County Board of Commissioners, or the Commissioner of the DNR, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.
2. Subdivision Standards.

The provisions set forth in Minnesota Rules and the Chisago County Subdivision Regulations shall apply to all plats, including planned cluster development to the extent applicable.
3. Preliminary Plan Approval.

Preliminary plans for all plats, including planned clustered developments, shall be approved by the Commissioner of the DNR prior to their approval by the Chisago County Board of Commissioners. The Commissioner shall have a reasonable time not to exceed forty-five (45) days following receipt of the preliminary plan, to review and approve same; failure by the Commissioner to act within the time stated shall constitute a waiver of the required approval by the Commissioner.
4. Public Hearing Required.

Public hearings shall be held to consider all plats.

Q. Administration and Enforcement.

The administration and enforcement of this Ordinance shall be controlled by the following provisions:

1. Permit Procedures.
  - a. An application for a permit for a use allowed under this Ordinance shall be directed to the Zoning Administrator in the same manner as any other building permit.
  - b. There shall be no conditional uses permitted within this district.
  - c. Variances shall only be granted where there are particular hardships which make the strict enforcement of a St. Croix Riverway Ordinance impractical. Hardship means the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this

Ordinance; the plight of the landowner is due to circumstances unique to his property, not created by the landowner after April 30, 1974; and the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone shall not constitute a hardship if a reasonable use for the property and associated structures exists under the conditions allowed herein. No variance shall be granted that would permit any use that is prohibited under this Ordinance or applicable law. Conditions may be imposed in the granting of variances, to insure compliance and to protect adjacent properties and the public interest, especially in regard to the view from the river.

2. Public Hearing Procedures.

- a. Public hearings shall be held before any variance from this Ordinance or any proposal for a subdivision is approved.
- b. Public hearing criteria for variances and subdivisions:
  - i. Requirements of the applicant.  
The applicant shall submit sufficient copies with the following information to the Zoning Administrator within 30 days prior to public hearing on the application for a variance or subdivision:
    - (a) Plat of survey showing the property location, boundaries, dimensions, elevations, blufflines, utility and roadway corridors, the ordinary high water mark, floodway and flood plain;
    - (b) The most recent aerial photo of the property with property lines drawn in;
    - (c) Location of existing and proposed structures including height and setback dimensions;
    - (d) Location of existing and proposed alterations of vegetation and topography;
    - (e) Adjoining water-oriented uses;
    - (f) Suitability of the area for on-site waste disposal. Type, size and location of the system shall be indicated. If a public or municipal waste water collection and treatment system is to be utilized, the applicant must submit a written agreement from the municipality or sanitary authority indicating that the system has the capacity to handle the development;
    - (g) Water supply system;

- (h) An estimate of permanent and transient residents;
  - (i) If the subdivision involves platting, a current title opinion by an attorney certifying the current ownership of the property, and including any existing encumbrances, encroachments or questions of title; and
  - (j) If the subdivision involves platting, a certificate from the Chisago County Auditor that there are no delinquent real estate taxes against the described property, together with a statement from the Chisago County Treasurer that the current real estate taxes have been paid.
- c. **Review of Application.**  
 Not less than 20 days prior to the public hearing, the Zoning Administrator shall send copies of the above information to the following agencies for review and comment:
- i. Dept. of Natural Resources
  - ii. Chisago County Planning Commission or Board of Adjustment and Appeals.
  - iii. Regional Planning Commission
- d. **Hearing, Record and Decision.**  
 The hearing shall be conducted by the Chisago County Planning Commission or Board of Adjustment and Appeals. The hearing record shall contain the comments of the agencies listed in paragraph "b" above and any other interested parties when such comments have been submitted. The decision by the Planning Commission or Board of Adjustment and Appeals shall include consideration of the following factors:
- i. Preserving the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river;
  - ii. The maintenance of safe and healthful conditions;
  - iii. The prevention and control of water pollution, including sedimentation;
  - iv. The location of the site with respect to floodways, flood plains, slopes and blufflines;
  - v. The erosion potential of the site based on degree and direction of slope, soil type and vegetative cover;
  - vi. Potential impact on game and fish habitats;

- vii. Location of the site with respect to existing or future access roads;
- viii. The amount of wastes to be generated and the adequacy of the proposed disposal systems;
- ix. The anticipated demand for police, fire, medical and school services and facilities; and
- x. The compatibility of the proposed development with uses on adjacent land.

e. Forwarding the Decision.

A copy of the final decision of the County Board or Board of Adjustment and Appeals on the application for a variance or subdivision shall be forwarded to the Commissioner of the DNR within 10 days of the rendering of the decision.

R. Certifying Certain Actions.

In order to insure that the standards and criteria herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exemptions, a review and certification procedure is hereby established for certain land use decisions. These decisions consist of any decisions which directly affect the use of the land in the St. Croix Riverway, and are one of the following types of action:

- 1. Rezoning of particular tracts of land or other amendment of this Ordinance.
- 2. Granting a variance from the provisions of this Ordinance as they relate to the dimensional standards of the Ordinance.
  - a. No such action becomes effective unless and until the Commissioner of the DNR has certified that the action complies with the intent of the National Wild and Scenic Rivers Act, the federal and state Lower St. Croix River Act, the Master Plan adopted thereunder, and these standards and criteria. In determining the acceptability of the proposed action, the items in subsection R.1.c. shall also be considered.
  - b. Procedures for the Certification Process.  
 A copy of all notices of any public hearings to consider variance applications shall be received by the Commissioner at least 20 days prior to such hearings to consider such actions. The notice shall include a copy of the proposed amendment or a description of the requested variance. The Zoning Administrator shall notify the Commissioner of the final decision on the proposed action within 10 days of such decision. The action by the Zoning Administrator becomes effective when the final decision has previously received certification of approval from the Commissioner; or the Zoning Administrator receives certification of approval after the final decision; or 30 days have elapsed from the day the Commissioner received notice of the final decision, and the Zoning Administrator has previously received from the Commissioner neither certification of approval nor the notice of non-approval; or the Commissioner certifies the approval after conducting a public hearing.



- c. **Appeal of Non-Approval.**  
In the case of a notice of non-approval of a variance, either the Zoning Administrator or the applicant may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of non-approval becomes final. If a public hearing is demanded, the hearing shall be held in the Chisago County Courthouse within 60 days of the demand for it, but not before 2 weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statutes.

## **6.06 Sunrise River Overlay (SO)**

- A. **Purpose.**  
The purpose of the (SO) Sunrise River Overlay District is to protect and preserve the existing natural, scenic and recreational values of the Sunrise River and to provide for development activities which do not detract from these values.
- B. **District Application.**  
The SO District is established over an area 500 feet from either side of the Ordinary High Water Level (OHWL) of the Sunrise River, beginning in Section 24, T 34N, R 21W at the boundary of Carlos Avery Wildlife Management Area and continuing to the confluence of the St. Croix River in Section 32, T 36N, R 20W.
- C. **Permitted Uses.**  
Uses permitted by right or by condition include those allowed in the underlying zoning district.
- D. **Lot Size.**  
Lot area requirements shall meet the minimums of those established in the underlying zoning districts.
- E. **Lot Width.**  
The minimum lot width at the building setback and along any frontage of the river shall be three hundred (300) feet except on that land presently zoned RR1, which are located within the boundary of what is commonly known as the City of Sunrise, where the lot width shall be two hundred (200) feet.
- F. **Setbacks From the OHWL.**
  - 1. The minimum structure setback from the OHWL shall be two hundred (200) feet except in the platted City of Sunrise where the setback shall be seventy-five (75) feet.
  - 2. The minimum setback of a private on-site sewage treatment system from the OHWL shall be two hundred (200) feet except in the platted City of Sunrise, where the setback shall be fifty (50) feet.
- G. **Additional Standards.**

1. The standards found in Section 6.04G through 6.04N, shall apply to the SO District.
2. Unless otherwise noted, all other remaining standards of the underlying zoning district apply.

#### **6.07 Carlos Avery Overlay (CO)**

- A. Purpose.  
The purpose of the (CO) Carlos Avery Overlay District is to protect and preserve the natural and scenic and recreational values of the Carlos Avery Wildlife Management Area and to provide for development activities which do not detract from these values.
- B. District Application.  
The CO District is established over that area between the Carlos Avery Wildlife Management Area property boundary and five hundred (500) feet from the property boundary.
- C. Permitted Uses.  
Uses permitted by right and condition shall be those allowed in the underlying zoning district.
- D. Lot Size.  
Lot area requirements shall meet the minimums established in the underlying zoning districts.
- E. Lot Width.  
The minimum lot width at the building setback and along any frontage of the Wildlife Management Area shall be three hundred (300) feet
- F. Setbacks from Carlos Avery Wildlife Management Area Boundary.
  1. Minimum structure setbacks from the Carlos Avery boundary shall be fifty (50) feet.
  2. The minimum private on-site sewage treatment system setback from the Carlos Avery boundary shall be fifty (50) feet.

#### **6.08 Highway 8 Overlay (HO)**

- A. Purpose.  
To preserve the natural, scenic and functional value of the United States Highway 8 corridor through Chisago County.
- B. District Application.  
The Highway 8 Overlay (HO) District is established over an area five hundred (500) feet either side of the Highway 8 road easement or right-of-way line from the border of Washington County to the border of the State of Wisconsin. Mn/DOT's Access Management Standards apply throughout the HO District.
- C. Access Management.  
The Minnesota Department of Transportation (Mn/DOT) completed the "Trunk Highway 8 Corridor Study" in 1995 and the Truck Highway 8 Scoping Document/Draft Scoping Decision Document in 2002. The 2002 study identifies design criteria and access

management guidelines which promote the safe and efficient use of the highway. In approving subdivisions of land, development site plans and building permits, Chisago County will require, to the maximum extent of its authority, any or all of the following access management techniques, as well as other recommendations in the "Trunk Highway 8 Scoping Document/Draft Scoping Decision Document from 2002":

1. Access Spacing.  
The spacing of access points in the HO District shall be in accordance with Mn/DOT's Access Category System and Spacing Guidelines dated March 2002. Allowable intersection, signal, and private access spacing may vary along the Highway 8 Corridor in accordance with current MnDOT standards as applicable.
  2. Shared Access.  
Existing parcels and parcels resulting from future subdivision shall be required to share common access points within the HO District, consistent with spacing guidelines. Cross easements within the HO District setback area of the highway may be required to implement shared access opportunities.
  3. Access Alignment.  
To the extent practical, new accesses shall align directly with existing accesses on the opposite side of the highway or be offset consistent with access spacing guidelines.
  4. Frontage Roads / Indirect Access.  
All new subdivisions of land within the HO District shall be required to limit access to a single location, consistent with the guidelines in this section. Access to individual parcels resulting from subdivision shall be provided via frontage roads, internal streets, common driveways or roadway easements. Parcels which abut Highway 8 and have access to a highway or street which intersect Highway 8 shall be restricted from gaining direct access to Highway 8.
  5. Restricted Turning Movements.  
There may be circumstances which will prohibit left-handed turning movements at certain access points on the highway to protect the safe and efficient use of the highway. In these instances, access shall be limited to right-hand inbound and right-hand outbound turning movements.
  6. Turn Lanes / Acceleration Lanes / Bypass Lanes / Signalization.  
Chisago County will recommend left-hand turns, right-hand turn lanes, acceleration lanes, by-pass lanes, and signalization be constructed at new or existing access locations, when traffic impact studies indicate such improvements are warranted.
  7. Traffic Impact Studies.  
Development proposals which result in traffic trip generation in excess of fifty (50) trips per day shall include a traffic impact study, which is consistent with recommendations in the "Trunk Highway 8 Corridor Study".
- D. Permitted or Conditional Uses.  
Permitted or conditional uses include those allowed in the underlying zoning district.
- E. Lot Size.

Lot area requirements shall meet the minimums established in the underlying zoning district.

F. Lot Width.

The minimum lot width at the building setback and along any frontage of Highway 8 shall be three hundred (300) feet.

G. Structure Setbacks.

The minimum setbacks for buildings, signs, parking areas, drainage structures, or other structures from the right-of-way easement line on Highway 8 shall be one hundred fifty (150) feet.

H. Coordination with Mn/DOT.

Coordination of plats, site plans, comprehensive plans, capital improvement plans, traffic studies and/or environmental documents will follow the Local Government Guide.

**6.09 Sunrise Lake Overlay (SLO)**

A. Purpose.

At the request of Chisago County, Sunrise Lake, in spite of its relatively large size (840 acres), was reclassified as a Natural Environment Lake by the Minnesota Department of Natural Resources in 1986. Because of its unique characteristics and limited development, a special management overlay district for the lake has been established.

B. District Application.

The provisions of this section shall apply to the land area lying between the ordinary high water level of Sunrise Lake and the boundary described as follows:

Beginning at the center of Section 16, thence northerly along the north-south centerline of Section 16 to the common line of Section 16 and Section 9, thence northerly to the center of Section 9, thence westerly along the east-west centerline of Section 9 to the common line of Section 9 and Section 8, thence westerly to the centerline of Lindo Trail, thence southwestwardly along the centerline of Lindo Trail to the north line of Section 17, thence westerly to the northwest corner of the northeast quarter of the northwest quarter of Section 17, thence southerly to the southwest corner of the northeast quarter of the northwest quarter of Section 17, thence westerly to the common line of Section 17 and Section 18, thence westerly to the centerline of County Road 14, thence southerly along the centerline of County Road 14 to its intersection with the north line of the south half of the south half of Section 20, thence easterly to the common line of Section 20 and Section 21, thence easterly to the east line of the west half of the west half of Section 21, thence northerly to the common line of Section 21 and Section 16, thence northerly to the northeast corner of the southwest quarter of the southwest quarter of Section 16, thence easterly to the north-south centerline of Section 16, thence northerly to the point of beginning, all in Township 34 North, Range 20 West, Chisago County, Minnesota. Any and all incorporated land shall be excepted from the above legal description.

C. Permitted Uses.

1. Uses permitted in the SLO District shall include accessory uses clearly

incidental to principal uses, and those uses permitted in the (A) District.

D. Conditional Uses.

Uses allowed by Conditional Use Permit shall be limited to the following:

1. In-home haircutting and hair care services in accordance with Section 4.04.
2. Bed and breakfast inns, subject to the following requirements:
  - a. Structures have been determined by the County Board to be of historical or architectural significance.
  - b. The inn is operated as an accessory use consistent with the performance standards in Section 4.04 D.
  - c. The inn contains no more than four guest quarters.
  - d. Meal service is limited to guests and is limited to either breakfast or brunch.

E. Lot size.

The minimum lot size shall be five (5) acres with a minimum buildable area of one (1) acre. (See also Section 6.10).

F. Lot Width.

The minimum lot width at the building setback and along the shoreline shall be three hundred (300) feet.

G. Setbacks.

1. All structures shall be set back a minimum distance of one hundred fifty (150) feet from the ordinary high water level.
2. All structures shall be set back a minimum distance of thirty (30) feet from the top of a bluff.
3. Individual sewage treatment systems shall be set back a minimum distance of one hundred fifty (150) feet from the ordinary high water level.
4. The setback provisions of the Shoreland Management Ordinance and the setback provisions of the underlying zoning district shall apply in all other circumstances.
5. The design criteria and setback exceptions for stairways, lifts, and landings are included in the Shoreland Management Ordinance.

H. Color of Structures.

The provisions of Section 6.05 L. shall apply with respect to structures visible from Sunrise Lake.

I. Vegetative Cutting.

The provisions of Section 6.05 M. 1-2. shall apply on lands within two hundred (200) feet of the ordinary high water level of Sunrise Lake, within thirty (30) feet landward from the top of a bluff, and on slopes greater than twelve percent (12%).

**J. Grading, Filling, and Excavating.**

All grading, filling, excavation, or similar alteration shall be conducted in a manner consistent with Natural Resources Conservation Service Best Management Practices and the provisions of Section 6.05 M. 3. To the maximum extent practicable, alterations within the shore and bluff impact zones shall be minimized and associated with authorized uses.

**K. Non-conforming Structures.**

Non-conforming structures in the SLO District may be continued subject to the provisions of Section 4.03I.

**6.10 Development Transfer Overlay (DTO)**

**A. Purpose.**

The purpose of the (DTO) Development Transfer Overlay District is to create an alternative growth management strategy that allows the transfer of development from one area within the district to another area within the district, provided that the transfer does not result in an undue increase in development density in a sensitive natural area, and does result in the protection of valuable natural resources.

**B. District Application.**

The DTO District is established over and coterminous with the boundary of Chisago County. Authority for development transfer is limited to the unincorporated areas within the County, unless a municipality enters into a joint powers agreement with the County to participate in the development transfer program.

**C. Voluntary Provisions and Participation.**

The provisions of the DTO District are not mandatory; rather, the DTO District provisions apply only when landowners and developers voluntarily participate in the development transfer program.

**D. Permitted Uses.**

Uses permitted by right or condition include those allowed in the underlying zoning district.

**E. Dimensional Standards.**

Lot areas, lot dimensions, setback requirements, height restrictions and other dimensional standards shall be consistent with underlying zoning district provisions, except as specifically modified in this section and other provisions of this Ordinance.

**F. Development Transfer Protection Area.**

The Development Transfer Protection Area (DTPA) is that portion of the Sensitive Natural Area Biotic Community as defined by the Minnesota Department of Natural Resources that lies within the DTO District. In all instances where a development transfer occurs, according to the provisions of this Ordinance, the Planning Commission shall verify that the subdivision utilizing development credits received from elsewhere does not occur on

land within the DTPA. The Planning Commission shall also ensure that in all transfers of development credits, the property from which the credits are derived and the subdivision for which the credits are to be used both lie within the boundaries of the same school district.

1. Development Credit.

A development credit shall equal an eligible area of land, capable of supporting a single-family residential dwelling, according to the provisions of the underlying zoning district. A development credit shall not be applied to or include existing dwellings or the land area required to support a dwelling, as described above.

2. Sale of Development Credit.

A development credit, representing land within the DTPA, may be sold or exchanged by eligible parties for any value or terms, provided the terms of any exchange are not inconsistent with this Ordinance.

3. Transfer of Development Credit.

A development credit may be used within the Development Transfer Receiving Area for additional density, according to the provisions of this Ordinance, including Section 6.09 G.

4. Covenant Required.

The sale or transfer of any development credit requires the creation of a development covenant, recorded against the property from which the development credit was sold or transferred. The development covenant shall legally define the permanent development restriction on the property, equal to an area used or qualifying as an eligible building site and development credit, and shall be renewable prior to any expiration of such development covenant by operation of law or otherwise.

5. Protection and Transfer District.

Any landowner in the Development Transfer and Protection Area may request that the County rezone the property from (A) to (PAT). The PAT District reduces the development density from one (1) residential dwelling per five (5) acres (1:5) to one (1) residential dwelling per twenty (20) acres (1:20); however, the PAT District increases the number of potential development credits from one (1) credit per five (5) acres (1:5) to one and one half (1.5) credits per five (5) acres (1.5:5). Additionally, one (1) development credit will be assigned to the residence, owned and occupied by the landowner requesting the rezoning and located within the area to be zoned PAT. All other applicable provisions within Section 6.09 shall apply to this zoning district. Applicants must follow all subdivision requirements for a simulated plat, including platting, proof of buildable acre, soils, wetlands, and any other requirement of the Chisago County Subdivision Ordinance.

G. Development Transfer Receiving Area.

The Development Transfer Receiving Area (DTRA) is that portion of the DTO District not included in the Development Transfer Protection Area, or within any municipal urban growth boundary, approved by the Chisago County Board of Commissioners.

1. Development Credit Transfer.

Development credits may be used within any platted residential subdivision in the DTRA, subject to the following provisions:

- a. The subdivision shall be reviewed and approved according to Section 7.18 Subdivision and Clustering Option. The density limitations of Section 7.18 shall be modified consistent with the provisions of Section 6.09 G.
  - b. The use of development credits shall be not allowed in the UR District.
  - c. The use of development credits in the RR I and RR II Districts shall require the construction and operation of approved, private communal sewage treatment and water supply/distribution systems. The maximum density allowed in the RR I or RR II Districts shall not increase by more than fifty percent (50%) through the use of development credits. The minimum required buildable area in a subdivision using development credits shall not be reduced by more than one-third of an acre.
  - d. The maximum density allowed in the (A) District shall not increase by more than one hundred percent (100%) through the use of development credits.
2. Application and Process for the Transfer of Development Credits.  
An application form prepared by Chisago County shall be completed and attached to the subdivision application and processed according to procedures in Section 7.18, Section 6.09 and provisions of the Chisago County Subdivision Ordinance. Approval of the use of development credits in any subdivision shall be discretionary. The Planning Commission and County Board shall find, before approving a subdivision, that the use of development credits is consistent with the Comprehensive Plan, the provisions of this Ordinance, the protection of the environment and the protection of the public health, safety and welfare. Applicants must follow all subdivision requirements including platting, proof of buildable acre, soils, wetlands, and any other requirement of the Chisago County Subdivision Ordinance.

H. Development Credit Exchange.

The County, or its designee, shall establish and operate a Development Credit Exchange (DCE). The purpose of the DCE is to receive and retire development credits which are transferred and used to increase density within the Development Transfer Receiving Area. The DCE shall have the authority to review, approve, renew, and record the development covenants required with the sale or transfer of development credits. Nothing in this Ordinance shall preclude the County, or its designee, from acquiring, receiving by gift or selling unused development credits. No one shall have the right to reuse or resell a development credit that has been transferred and used within a development.



## **SECTION 7. PERFORMANCE STANDARDS**

### **7.01 Maintenance Required**

All structures, landscaping and fencing shall be reasonably maintained to protect the public health, safety, and welfare.

### **7.02 On-site Sewage Treatment Standards**

The installation, maintenance and repair of individual on-site sewage treatment systems shall be in compliance with MPCA rules regulating subsurface sewage treatment systems, Chapter 7080, and the Chisago County Sewage and Wastewater Treatment Ordinance.

### **7.03 Odors and Emissions**

Odors and emissions from any use shall not exceed the regulations set forth by the Minnesota Pollution Control Agency rules.

### **7.04 Dust and Particulates**

Dust and particulate matter from any use shall be in compliance with Minnesota Pollution Control Agency rules.

### **7.05 Noise and Vibrations**

Noise and vibrations generated from any use shall be in compliance with Minnesota Pollution Control Agency rules. Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of that plat line of the site on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, or temporary maintenance operations.

Any use creating periodic earth-shaking vibration shall be prohibited if such vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

### **7.06 Glare**

Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining inhabited property or from the public streets. Direct or reflected glare from lights and high-temperature processes such as combustion or welding or other sources or from structures, shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so as not unreasonably light adjacent property or public right-of-way. Galvanized steel siding or roofs are not allowed on residential structures and their accessory structures.

### **7.07 Waste**

A. All waste generated from any use shall be managed in compliance with the Chisago County Solid Waste Ordinance. Waste generated on any premises shall be kept in containers designed for waste collection or stored in a structure or within an enclosed or screened area. The accumulation, storage, processing or disposal of waste, compost or recyclable materials on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance or the Solid Waste Ordinance.

- B. The ownership, possession or control of any unused appliances or other containers with doors which fasten automatically when closed and of sufficient size to retain any person, that are exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public, is prohibited.

**7.08 Land Application of Solid Waste**

The land application of solid waste shall conform to the Minnesota Pollution Control Agency rules, this Ordinance, and the Chisago County Sewage and Wastewater Treatment Ordinance.

**7.09 Buildings in Fire Prone Areas**

- A. Purpose.  
The purpose of this Section is to establish specific regulations for buildings located in fire prone areas. These regulations are established to minimize the chances of loss of life and property due to wild fires.
- B. Fire Prone Areas.  
Fire prone areas are areas which contain natural conifer stands or conifer plantations which, due to flammability of the tree needles, associated ground vegetation, accumulation of duff on the ground, and presence of droughty soils, pose a great potential for rapidly spreading wildfires.
- C. Regulations for Buildings in Fire Prone Areas.  
The following regulations apply to buildings proposed to be located in fire prone areas as determined by the Zoning Administrator.
  - 1. The solid portion of a conifer stand shall be removed for a distance of seventy-five (75) to one hundred (100) feet around the perimeter of the building. Single, well spaced trees may be left in this buffer area.
  - 2. An alternate driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire. Driveways should be at least 25 feet wide and kept as straight as possible to allow for free movement of traffic and provide a firebreak for control measures.

**7.10 Bulk Storage**

The storage of all bulk liquids, fuels, chemicals and gases shall be in compliance with and regulated by the Minnesota Pollution Control Agency rules, Minnesota State Fire Code and the Minnesota State Building Code.

**7.11 Outside Storage**

- A. In all districts, all materials and equipment shall be stored within a building or be fully screened so as to not be visible from adjoining properties. Exceptions to these requirements are as follows:
  - 1. Construction materials and equipment currently being used on the premises in conjunction with a project for which there is a current, valid building permit.

2. Off street parking of passenger vehicles.
3. Recreational equipment for use of residents of principal structure.
4. Boats and recreational vehicles less than twenty (20) feet in length if stored in rear yard not less than ten (10) feet from any lot line and are used by the residents of the principal structure.
5. Clothes lines and poles.
6. Merchandise being displayed for sale for a period not to exceed 30 days within any 60-day period unless specifically permitted by this Ordinance or a Conditional Use Permit.

B. Outside storage areas must be maintained as follows:

1. The storage does not occupy required setbacks.
2. The storage does not encroach upon any required parking areas, loading areas, or sewage disposal drainfield areas.
3. The storage area shall be surfaced or vegetated to control stormwater runoff and dust.

#### **7.12 Surfacewater Management**

Stormwater shall be managed in accordance with the Nationwide Urban Runoff Program (NURP) standards for the design of new stormwater ponds and the Minnesota Pollution Control Agency's urban "best management practices," titled Protecting Water Quality in Urban Areas for the review of any proposed development occurring to reduce non-point source pollutant loading in stormwater runoff. Existing natural drainage ways, natural water storage retention areas, and vegetated soil surfaces should be used to the greatest extent possible to store, filter and retain stormwater runoff before discharge occurs into any public waters. When natural features and vegetation are not available to handle stormwater runoff, constructed facilities such as diversions, settling basins, skimming devices, dikes and manmade 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. Development should be planned and conducted in a manner that will minimize disturbed areas, runoff velocities, and erosion potential as well as reduce and delay runoff volumes. Shoreland regulations will follow the Chisago County Shoreland Ordinance.

#### **7.13 Wetland Protection and Management**

Wetlands shall be protected and managed in accordance with the Wetland Conservation Act of 1991, as amended.

#### **7.14 Erosion and Sedimentation Control**

No land occupant or developer in the County shall cause or conduct any land disturbing activity which causes excessive erosion or sedimentation, or which results in damage to water or soil resources. All development in the County shall conform to the natural limitation presented by the

topography and soil types in order to minimize soil erosion and sedimentation. Site erosion and sediment control measures shall be consistent with MPCA's "best management practices". Land disturbing activities shall 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 disturbed at any one period of time. Areas where natural vegetative barriers are not sufficient to contain erosion and sedimentation from water bodies, wetlands, water courses or neighboring properties shall be staked with silt fences and straw bales.

#### **7.15 Woodland Preservation**

- A. In the removal of vegetation for development purposes, structures shall be located in such a manner that the maximum number of trees shall be preserved.
- B. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- C. Development including grading and contouring shall take place in such a manner that the remaining trees shall be minimally affected.

#### **7.16 Landscaping**

- A. Landscaping on a lot shall consist of a finished grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be required by the Zoning Administrator to protect the soil and aesthetic values on the lot and adjacent property.
- B. In the UR District, all developed uses shall provide landscaping from the urban curb and gutter or edge of road surface to the road right-of-way lines. This landscaped yard shall be kept clear of all structures, exterior storage and off-street parking.
- C. Landscaping shall be provided and maintained on all required front and side yards in all developed districts except where pavement or crushed stone is used for walkways or driveways.

#### **7.17 Screening**

- A. Screening shall be required in residential zones where:
  - 1. Any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and
  - 2. Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.
- B. Where any commercial or industrial structure, parking or storage is adjacent to property zoned or developed for residential use, that commercial or industrial use shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial use 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 Zoning Administrator.

- C. The screening required in this section may consist of a fence, trees, shrubs, and berms not less than five (5) feet high but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping between the screening and pavement. The screening shall block direct vision. Planting of a type approved by the Zoning Administrator or Planning Commission may also be required in addition to or in lieu of fencing.

## **7.18 Subdivision and Clustering Option**

- A. **Purpose.**  
The purpose of this section is to allow flexibility in the subdivision of land which results in the preservation of productive farmland, natural resources, wildlife habitat and open space in the County and will not result in service burden to local government units, will not create land use conflicts, and will not adversely impact the environment. All subdivisions of land involving the construction of new streets shall be referred to the township in which the subdivision is located for consideration. The township must approve the concept of new street construction, prior to the processing of a subdivision application.
- B. **Density and Lot Requirements.**  
The density of development shall not exceed one (1.5) homes per five (5) acres of gross land area unless the subdivision is served by community utility systems. Land used to determine maximum building eligibility must be contiguous and under single control. Any lot without a community pretreatment sewer system and community water supply system shall have a minimum one (1) acre buildable area. Any lot less than five (5) acres in size shall meet the requirements of one of the clustering options listed in 7.18D or 7.18E.
- C. **Development Density Calculation.**  
In any Standard Clustering Option subdivision, the maximum density shall be determined by creating a conventional five-acre lot layout concept for the land to be subdivided. The conceptual layout shall be prepared by the subdivider and shall be consistent with the minimum lot area, lot dimension, street frontage and minimum buildable area requirements of this Ordinance. The Zoning Administrator shall determine the total number of buildable lots for the area to be subdivided on the basis of the conceptual layout and requirements of this Ordinance. The total number of residential lots eligible under the Standard Clustering Option shall be based upon this determination. The number based upon this determination will also be utilized to calculate the density within a Clustering Option with Community Utility Systems (7.18 E.)
- D. **Standard Clustering Option.**  
The five (5) acre minimum lot size requirement in the (A) District may be reduced to one (1) acre, subject to the following conditions:
  - 1. The minimum buildable area is one (1) acre.

2. The minimum lot width is two hundred (200) feet.
  3. A covenant, deed restriction or development contract is recorded against the subdivided property and all property included in the development density calculation to verify the building eligibility of all land involved in the subdivision or density calculation. The principal tool for protecting open space areas shall be a conservation easement. The conservation easement shall be recorded against the open space as reviewed and approved by the Planning Commission and County Board.
  4. A conservation easement is provided as required by Subdivision D3.
  5. Private road easements may be approved to provide access to a single parcel which has no public street frontage and meets all other requirements of this Ordinance. Such easements must be a minimum of two (2) rods in width.
  6. The total number of lots in the clustered subdivision is consistent with the criteria established in Section 7.18C.
  7. Private communal utility systems may be considered by the County in lieu of private individual systems.
- E. Clustering Option with Community Utility Systems Private Community Utility Systems utilizing common water supply and pretreatment sewage collection and disposal systems may be considered by the County in lieu of private individual systems and the Standard Clustering Option. The five (5) acre minimum lot size requirement in the (A) District may be reduced to 33,560 sq. ft., subject to the following conditions:
1. The minimum buildable area is 33,560 square feet.
  2. The minimum lot width is one hundred fifty (150) feet.
  3. A covenant, deed restriction, development contract, homeowners association, or conservation easement is recorded against the subdivided property and all included in development density calculation to manage and protect community utility systems, trails, picnic areas, resting areas, and all other open space areas. The homeowners association will be responsible for maintenance of community well and sewer system, open space areas, and any other recreational facilities. The principal tool for protecting open space areas shall be a conservation easement. The conservation easement shall be recorded against the open space as reviewed and approved by the Planning Commission and County Board.
  4. A conservation easement is provided as required by Section E 3.
  5. Private road easements may be approved to provide access to a single parcel, which has no public street frontage and meets all other requirements of this Ordinance. Such easements must be a minimum of two (2) rods in width.
  6. The total number of lots in Clustering Option with Community Utility System shall be calculated by first determining the density calculation as established in Section 7.18C.

Then by taking this number of units and multiplying that number by 1.3 to get a total number of units or maximum density for the proposed subdivision.

7. In order to preserve and maximize the usefulness of open space areas and to encourage trails, picnic areas, and resting areas within the development, a building envelope must be determined to concentrate development within a specific area. This area calculation can be determined by establishing an area using the total number of lots in the Clustering Option with Community Utility Systems and multiplying it by 1.3 acres per lot. A building envelope can be defined by as the gross acreage of lots and the total proposed Right of Way area.
8. If certain lots within subdivision are not connected to the community utility systems, then these lots shall be deducted from density calculation.

F. Conditional Use Permit Required.

A conditional use permit shall be required to allow for subdivisions. All subdivisions are also subject to the requirements of the Chisago County Subdivision Regulations. A conditional use permit shall be issued only if the project area meets the following conditions and those set forth in Section 8.04.

1. **Transportation Accessibility.**  
The project area has direct access to the following transportation systems:
  - a. The project must front or have access to a federal, state, county or township road existing and maintained at the time of application.
  - b. Road must have a minimum right-of-way of four (4) rods (66 feet).
2. **Adjacent Land Use.**  
The project shall not result in the location of residence at a distance less than:
  - a. One-fourth (1/4) mile from permitted feedlots.
  - b. One-half (1/2) mile from a public airport.
3. **Local Plans, Projects.**  
The proposed project does not conflict with adopted local plans or projects.
4. **Environmental Impacts.**  
The proposed project will not have an adverse impact on the environmental factors listed below. An Environmental Assessment Worksheet (EAW) may be prepared if a further assessment of environmental impact is needed after consideration of the following:
  - a. The project will not create additional service demands or exceed local service capabilities;
  - b. The project will not induce secondary development nearby such as similar development or support services or facilities;

- c. The project will not have a significant impact on wildlife habitat;
  - d. The project will not have a significant impact on the vegetation of the area;
  - e. The project will not have a significant impact on the hydrology of the area;  
and
  - f. The project will not have a significant impact on the area's water resources.
5. Compliance with Applicable Federal, State and County Development Regulations. The proposed project must be in compliance with any applicable federal, state or county development regulations applicable to the proposed project including, but not limited to, the County's Comprehensive Plan, Zoning Ordinance, subdivision regulations, and Sewer Ordinance.
- G. Height, Yard, Area and Lot Width and Depth Regulations.  
The height, width, depth, yard and lot area requirements are contained in Section 5.15 Dimensional Standards.
- H. Subdivision Design.  
All subdivision designs shall take into account surrounding land uses and shall be so designed that the layout of lots and streets and the placement of structures shall result in the minimum disruption or conflict in the adjacent land uses and agricultural operations.
- I. Standards for Common or Public Open Space.  
No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:
- 1. The location, shape, size, and character of the common open space must be suitable for the clustered development, and must be comprised of a minimum of thirty (30) percent of the total area of the parent parcel.
  - 2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the clustered development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
  - 3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
  - 4. The development plan must coordinate the improvement of the common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the clustered development is located.



5. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The County Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
6. The construction and provision of all of the common open spaces and public and recreational facilities, which are shown on the final development plan, must proceed at the same rate as the construction of the principal structures of the clustered development.
7. Non-meandered lakebeds are ineligible as open space except as approved by the Planning Commission. Wetlands are considered to be natural amenities and are eligible as open space for the purposes of this ordinance.

### **7.19 Planned Unit Development (PUD)**

#### **A. Purpose.**

The purpose of this subdivision is to allow variation from the conventional standards and dimensional criteria of this Ordinance, when it is demonstrated that a Planned Unit Development (PUD) provides more creativity in development of the land, greater flexibility in development, including private ownership of subdivision improvements and common areas, and provides greater natural resource protection.

The PUD is intended for use only where the usual application of zoning provisions:

1. Would not provide adequate environmental protection;
2. Would allow design standards detrimental to the natural aesthetic and physical characteristics of the site;
3. Would not provide an efficient and feasible use of the land;
4. Would not permit joint ownership and maintenance of common open space, private streets and other common area improvements.

#### **B. Conditional Use Permit Required.**

A conditional use permit shall be required for any planned unit developments. The applicant for a PUD shall simultaneously follow the County Subdivision Ordinance to secure both preliminary and final design approval from the Planning Commission and County Board.

#### **C. General Regulations.**

1. All other development regulations of the appropriate Zoning District not specified in this Subdivision or specified as a condition to the Conditional Use Permit shall apply to a Planned Unit Development.

2. It is the intent of this Section that the subdivision of the land involved be carried out simultaneously with the review of a Planned Unit Development.
3. The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for Planned Unit Development.
4. The land which is to be set aside as open or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the County shall be required. Provisions for public streets must be approved by the Township in which the development is proposed.
5. No conveyance of property within the Planned Unit Development shall take place until the property is platted in conformance with the provisions of this Subdivision and applicable to the County Subdivision Ordinance. All by-laws, Property Owners' Association Articles of Incorporation and Protective Covenants must be approved by the County Attorney and filed with the recorded plat.
6. The uses in the PUD shall be those uses allowed for in the Zoning District in which the PUD is located.
7. There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirement of Section 4.12 of this Ordinance.
8. Private streets, drives, accessways and common parking areas must be developed to a standard equal to that required for public use by Section 4.12. Such drives and accessways must be protected by recorded deed covenants assuring their availability to and maintenance by all residents of the project.

D. Site Design.

1. The number of principal use structures which may be constructed within the Planned Unit Development shall be determined by dividing the net buildable acreage of the project area by the required lot area per unit which is required in the district which the Planned Unit Development is located. The net buildable acreage shall be defined as the project area less the land area dedicated for public streets and land which deemed as "unbuildable" by this Ordinance. The project area includes all the land within the Planned Unit Development which is allocated for residential, commercial or industrial uses, and for common open spaces as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
2. The common open space, any other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
3. The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.

E. Standards for Common or Public Open Space.

No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the PUD, and must be comprised of a minimum of thirty (30) percent of the total area of the parcel in its entirety.
2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
4. The development plan must coordinate the improvement of the common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the Planned Unit Development is located.
5. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The County Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
6. The construction and provision of all of the common open spaces and public and recreational facilities, which are shown on the final development plan, must proceed at the same rate as the construction of the principal structures of the PUD.
7. Non-meandered lakebeds are ineligible as open space except as approved by the Planning Commission. Wetlands are considered to be natural amenities and are eligible as open space for the purposes of this ordinance.

F. Conveyance and Maintenance of Common Open Space.

1. All land shown on the final development plan as common open space must be conveyed under one of the following options:
  - a. It may be conveyed to a public agency (State, County or Township) to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

- b. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees, subject to covenants to be approved by the Planning Commission and the County Attorney, which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. Interest in the common open space shall be undivided and such interest shall not be transferable.
- 2. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any permitted use are expressly reserved.
- 3. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
  - a. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
  - b. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
- 4. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

G. Required Covenants, Easements and Provisions in Plan.

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of Planned Unit Development and not inconsistent with the best interest of the entire County.

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development shall be subject to all conditions so imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in the authorization.

H. Guarantee the Provision of Common Open Space.

The County Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative, and they may be used singly or in combination:

The County Board may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Subdivision Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.

I. Final Approval.

When the County Board gives final approval, a Certificate of Compliance shall be issued for the Planned Unit Development even though the size of lots, depth of yards, required distance between grouped buildings, and building height may not conform in all respects to the regulations of the district in which the project is to be located.

J. Final Action by Applicant.

The applicant shall then review his application and plan in its final approved form and sign a statement that the Planned Unit Development Plan in its final form shall be made binding on the applicant, any successors in interest and assigns.

K. Control of Planned Unit Development Following Acceptance.

All changes in use; re-arrangement of lots, blocks, and building tracts; any changes in the provision of common open spaces; and all other changes in the approved final plan must be made by the County Board, under the procedures authorized for the amendment of this Ordinance. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the County.

L. Amendments to the Final Development Plan.

All changes in use; re-arrangement of lots, blocks, and building tracts; any changes in the provision of common open spaces; and all other changes in the approved final plan must be approved by the Planning Commission. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the County.

M. Failure to Begin Planned Unit Development.

If no construction has begun or no use established in the Planned Unit Development within one (1) year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the County Board may extend for one additional year the period for the beginning of construction.

## **7.20 Manufactured Home Parks**

A. Purpose.

The purpose of this section is to provide for manufactured housing and assure quality development by providing a safe, well serviced, and attractive environment.

B. Conditional Use Permit Required.

It shall be unlawful for any person to construct, enlarge, or operate any manufactured housing park unless he holds a valid conditional use permit issued by the County for the specific manufactured housing park. Manufactured Housing parks may be allowed only within the (UR) district. All conditional uses shall be subject to the requirements of this Section and Section 8.04.

1. Each conditional use application shall include the following information:
  - a. Legal description and size in acres of the proposed manufactured housing park.
  - b. Location and size of all manufactured housing sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking spaces, exact manufactured home sites, etc.).
  - c. Detailed landscaping plans and specifications.
  - d. Location and width of sidewalks, if any.
  - e. Plans for sanitary sewage disposal, solid waste disposal, surface drainage, water system, electrical service, gas service, telephone service, plumbing and fire protection, and other utilities. The sewage disposal plans shall include a detailed report and estimate of projected pollutants entering surface and underground water.
  - f. Location and size of all streets abutting the manufactured home park and all driveways from such streets to the manufactured home park.
  - g. Road construction plans and specifications for all road construction within the park or directly related to park operation.
  - h. Plans for any and all structures, including tornado shelter provisions.
  - i. Such other information as required or implied by these manufactured housing park standards or requested by public officials.
  - j. Name and address of developer.
  - k. Detailed description of maintenance procedures and ground supervisions.
  - l. Detailed description of lighting to be installed.
  - m. Topographical map, on an appropriate scale.
  - n. Proposed rules and regulations promulgated by the owners or operators which set forth the obligation of the owner or operator to the tenants, and of the tenants to the owner or operator, which shall be approved by the County prior to occupancy of the manufactured housing park.
2. **Occupancy Permit Required.**

After issuance of a conditional use permit, the park may be constructed but may not be occupied until it has been inspected by the Zoning Administrator and an occupancy permit issued. An occupancy permit may be issued by the administrator when it is found that construction is complete and that all the terms thereof have been complied

with. A temporary occupancy permit may be allowing occupancy of the completed portion if the developer furnished the County with a public contractor's performance bond, with corporate surety in an amount equal to the total cost of the uncompleted portion of the project and estimated by the Zoning Administrator. The bond shall be approved by the County Attorney and filed with the Auditor.

3. Agreements.

The Board shall require the operator to enter into development agreement with the County at the time the Board issues a permit and such agreement with all its terms, conditions, and provisions shall be essential to the permit and shall be enforceable as part of this Ordinance.

4. Inspections.

a. Manufactured home parks permitted under this Ordinance or established prior to the adoption of this Ordinance shall be subject to annual inspections commencing January 1st of the year following adoption of this Ordinance. Periodic inspections may also be conducted by the Zoning Administrator.

b. Notification of the County building inspector shall be made twenty-four (24) hours prior to locating or relocating of any manufactured home in the park for purposes of inspection for compliance with plumbing and electrical and other requirements.

5. Compliance.

Compliance with the terms of this Ordinance shall be a condition precedent to the issuance of a State license and shall run with the license so as to be an essential part thereof. Upon revocation of a permit by the County, no further occupancy of the homes in the park shall be allowed. The County may allow a reasonable time for termination of occupancy. This section shall apply in all respects to any violation of provisions previously in effect that continue to control existing occupied manufactured housing parks.

C. General Provisions.

1. Building Permit Required. All structures shall require a building permit. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.

2. No manufactured homes shall be located in the manufactured home parks that do not conform to the requirements of the most current Minnesota State Building Code and have the State Seal of Compliance affixed to it. No manufactured home shall be allowed therein which is in an unsanitary condition, structurally unsound or which fails to protect the inhabitants of said manufactured home against all the elements.

3. Land in the manufactured home park shall be used for residential purposes only.

4. Manufactured housing parks shall be located only in such areas as will permit readily available access to a collector or given street as designated by the County Engineer or other Certified Engineer.
5. All manufactured housing parks shall be provided with an approved centralized sewage disposal system and water supply system. If a municipal system exists, the park shall be required to use the public system. The capacity of the water supply shall be sufficient to provide for fire protection in addition to an adequate household supply system for the park.
6. Each manufactured home park shall have one (1) or more central community buildings with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately illuminated during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones, public mail boxes, public toilets, and lavatory. For each one hundred (100) home lots or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex.
7. A tornado shelter shall be provided within a building or buildings at a convenient site, within the manufactured housing park. Shelter accommodations shall be sufficient for full population of the development and may be attached to or a part of the community building.
8. Each manufactured home lot shall be served by a central fuel supply system such as natural gas or a central LP system. No separate private fuel containers, such as fuel or oil tanks or LP tanks shall be allowed in the park.
9. All manufactured housing parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers and all other equipment not generally stored within the home or within the utility enclosure that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a lot which is occupied by a home nor upon the streets within the park.
10. Every structure in the manufactured housing park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
11. No sales lot for new or used manufactured homes shall be permitted within the park.
12. All requirements and specifications of State Statutes, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and Chisago County shall be fully met.

D. Design Standards.

1. Site:



- a. Each manufactured home site shall contain at least six thousand (6,000) square feet of land area for the exclusive use of the occupant, having an average width no less than fifty (50) feet, and having an average depth no less than one hundred (100) feet.
- b. Any site to be occupied by a manufactured home wider than fourteen (14) feet shall contain at least nine thousand (9,000) square feet of land area for the exclusive use of the occupant, having an average width of no less than sixty (60) feet, and having an average depth no less than one hundred (100) feet.
- c. Each manufactured home site shall have frontage on an approved roadway, owned and maintained by the manufactured housing park.
- d. The corners of each manufactured home lot shall be clearly marked and each site shall be numbered.
- e. Each home lot shall be so designed that automobiles may not be parked within five (5) feet of the side of any mobile home or within five (5) feet of the front or back of the home.
- f. The area occupied by a manufactured home shall not exceed fifty (50%) percent of the total area of a home site; land may be occupied by a home, a vehicle, a carport, or an awning.
- g. Lot dimensions may be reduced up to a maximum of ten (10%) percent and compensated for by increasing the community recreational area to the same amount.
- h. The area beneath all manufactured homes shall be enclosed with a fire resistant material that shall be generally uniform throughout the entire park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related equipment.

2. Setbacks:

- a. No manufactured home shall be parked closer than ten (10) feet to the side lot lines or closer than twenty (20) feet to the front lot line, or within ten (10) feet of the rear lot line.
- b. There shall be an open space of at least twenty (20) feet between the sides of adjacent homes, except where units are angled where the minimum distance may be reduced to ten (10) feet.
- c. No manufactured home, off-street parking space, or building shall be located within thirty (30) feet of the exterior boundary of any manufactured home park.

3. Parking:

- a. Each manufactured home site shall have a hard surfaced off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
- b. For each home site, there shall be hard surfaced off-street parking spaces for guests of occupants in the amount of one (1) space for each three (3) home sites, in addition to the requirements above.
- c. Access drives from roads to all parking spaces and home sites shall be hard-surfaced.

4. Utilities:

- a. All manufactured homes shall be connected to a central water supply and central sanitary sewer system that shall meet the minimum standards as set forth by the Minnesota Department of Health, Pollution Control Agency, and Chisago County. An engineering report shall be submitted giving an analysis of the system and including a detailed report of estimate of all projected pollutants entering surface and underground waters.
- b. Storm water drainage shall be handled under a system separate from the sanitary sewer with design of facilities based on local rainfall curves and a one inch storm event. Plans for the disposal of surface storm water shall be approved by the County.
- c. Natural drainage way, streams, ponding and other holding areas shall be preserved for recharge of ground water resources.
- d. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the County and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the Zoning Administrator prior to connection. Electrical service shall conform to minimum state standards.
- e. Fire hydrants shall be required and shall be placed within three hundred (300) feet of any manufactured home unit.

5. Access, Internal Roads and Streets:

- a. Each manufactured housing park shall have at least two (2) access roadways.
- b. Roads and access drives to parking spaces shall be hard surfaced, as approved by the governing body.
- c. All internal roads shall have a hard surfaced (mountable, roll type) curb and gutter.

- d. Rights-of-way shall be no less than forty (40) feet in width.
  - e. All streets shall be developed with a minimum of a twenty four (24) foot roadbed. Wider roadbeds may be required for collector streets within the park.
6. Landscaping:
- a. All lot area not utilized for structures or designated parking facilities shall be adequately landscaped, with sodding or seeding programs completed before occupancy of the manufactured home unit.
  - b. Trees shall be planted to provide shading and aesthetic value to the residential area at a ratio of not less than two (2) trees per home site.
  - c. Screening and buffering of the manufactured housing park with plantings shall be required where the park fronts on a major highway or abuts developed property. The screening and buffering plan shall be approved by Chisago County or its agent.
7. Lighting:
- a. Artificial light shall be maintained during all hours of darkness in all community service buildings containing public toilets, laundry equipment, and the like.
  - b. Lighting plans shall include light standards at all roadway intersections, but not more than three hundred (300) feet apart. All parking areas and common facility buildings within the park shall be properly illuminated to insure safe pedestrian and vehicular movements.
8. Recreation:
- All manufactured home parks shall have one (1) or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be based upon a minimum of fifteen (15%) percent of the land area (exclusive of street), but no outdoor recreational area shall contain less than two thousand (2,000) square feet. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
- E. Performance Standards.
- 1. The manufactured housing park office shall be clearly marked and illuminated during all hours of darkness. An illuminated map of the park noting all roads and locations of each unit shall be displayed outside and adjacent to the office.
  - 2. An adult caretaker must be on duty at all times in the park.

3. The operator of every manufactured housing park shall maintain a register in the office of the park indicating the name and address of each permanent resident.
4. All land areas shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. The proposed method of garbage, waste and trash disposal and must conform to the regulations of the Chisago County Solid Waste Ordinance. Refuse collection stands shall be provided for all refuse containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. The storage, collections and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
5. No public address or loud speaker system shall be permitted.
6. There shall be no camping anywhere in the park.
7. No person shall bring or keep an automobile into the manufactured housing park that does not have a current license and is not in operable condition.
8. Advertising shall be limited to one sign not to exceed twenty-five (25) square feet with lighting, height and location as approved by the governing body. Signs shall be set at least fifteen (15) feet from the front lot line.
9. Automobiles may not be parked nearer than five (5) feet to any side lot line, except where parking spaces of two abutting lots are designated as a single unit.

## **7.21 Recreational Camping Areas**

- A. Purpose.  
The purpose of this section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.
- B. License Required.  
No person, corporation, partnership, firm or other entity shall operate a recreational camping area unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the recreational camping area.
- C. Conditional Use Permit Required.  
A conditional use permit shall be required for the construction or operation of a recreational camping area. Recreational camping areas shall be restricted to the (A), (AP), (PAT), and (RRI/RRII) districts. All conditional uses shall be subject to the requirements of this Section and Section 8.04.

Each conditional use application shall include the submission of a site plan drawn to scale. When construction costs exceed \$30,000, plans must be prepared by a registered engineer, architect, or land surveyor. The site plan shall include the following:

1. The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.
  2. A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
  3. The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities; source of water supply; and sewage, garbage and waste removal. A detailed description of maintenance procedures, grounds supervision and method of fire protection shall also be submitted.
  4. The proposed method of lighting the structures and site, lot field, or tract of land upon which said recreational camping area is to be located.
  5. Road construction plans and specifications, including the location and size of all streets abutting the site and all driveways from such streets to the recreational camping area.
  6. Location, size, and characteristics of each campsite.
  7. Designation of the calendar months of the year which applicant will operate said recreational camping area and details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
  8. Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing and sewage disposal systems, surface drainage, electrical service, and gas service.
- D. Camping Area Spacing Requirements.  
Vehicle and structure spacing requirements shall be consistent with the Minnesota Rules.
- E. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
- F. Water Supply, Sewage Disposal, and Toilet, Bathing, Laundry Facilities, and Lighting. The water supply system, sewage disposal, and toilet, bathing, laundry facilities, and lighting shall be consistent with the Minnesota Rules.

- G. **Plumbing.**  
All systems of plumbing shall be installed in accordance with the Minnesota Board of Health regulations and the provisions of the Minnesota Plumbing Code.
- H. **Garbage and Refuse - Handling and Disposal.**  
Garbage and refuse handling and disposal shall be consistent with the Minnesota Rules and the Chisago County Solid Waste Ordinance.
- I. **Caretaker/Operator Duties.**  
A responsible adult attendant or caretaker shall be in charge of every recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and records; and to keep the facilities and the equipment in a clean, orderly and sanitary condition.

## **7.22 Drive-In/Drive-Through Businesses**

- A. **Purpose.**  
The purpose of this Section is to allow for drive-in businesses to be established in appropriate areas and developed in a manner as to not adversely impact surrounding land uses and to ensure the public safety. The Zoning Administrator may make determination of the applicability of this section.
- B. **Conditional Use Permit Required.**  
Conditional Use Permit shall be required for the construction or operation of drive-in/drive-through businesses in the (CLI) District. All Conditional Uses shall be subject to the requirements of this Section and Section 8.04.
- C. **Site Plan Requirements.**
  1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
  2. A landscaping plan shall be provided.
  3. The design of any structure shall be compatible with other structures in the surrounding area or future planned uses.
  4. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district.
  5. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers serviced in vehicles shall be parked to the sides and/or rear of the principal structure.
  6. No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.

7. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation.

D. Design Standards.

1. The entire area of any drive-in/drive-through business shall have an engineered drainage system approved by the Zoning Administrator.
2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material that will control dust and drainage.
3. A fence or screen of an acceptable design to the Zoning Administrator shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained.

E. General.

1. Any drive-in/drive-through business serving food or beverages may also provide, in addition to vehicular service areas, in-door food and beverage seating area.
2. The hours of operation may be set forth as a condition of any Conditional Use Permit for drive-in/drive-through business.
3. Each drive-in/drive-through business serving food may have outside seating.
4. Each food or beverage drive-in/drive-through business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.

F. Location.

1. No drive-in/drive-through business shall be located such that it may unduly increase traffic volumes on nearby residential streets.
2. No drive-in/drive-through shall be located on any street other than one designated as a thoroughfare on which businesses are located.

- G. In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

- H. The lighting shall be approved by the Zoning Administrator so as to limit light visible from public rights-of-way.

### **7.23 Motor Vehicle Dealerships**

A. Purpose.

The purpose of this Section is to allow for motor vehicle dealerships and open automobile

sales lots to be established in appropriate areas and developed in a manner as to not adversely impact surrounding land uses and the public safety.

B. Conditional Use Permit Required.

A Conditional Use Permit shall be required for the establishment or operation of a motor vehicle dealership or sales lot in the (RVC) and (CLI) Districts. All conditional uses shall be subject to the requirements of this Section and Section 8.04.

C. Surface Drainage Plans and Improvements.

A drainage plan shall illustrate all paved area surface drainage flows including final disposition of run-off water. Catch basins and/or settling ponds shall be required to dispose of interior parking or display area drainage. The drainage plan shall be approved by the Zoning Administrator.

D. Dimensional Standards.

Dimensional standards shall be consistent with the requirements in Section 5.15.

E. Screening.

Visual screening shall be erected and maintained along all property lines as determined to be applicable by the Zoning Administrator. The screening required in this section shall be not less than five (5) feet in height.

F. Landscaping.

A landscape plan shall be submitted and approved by the Zoning Administrator. A landscaped yard shall be constructed and maintained on all areas of the site not devoted to the building or parking areas and in the required front yard area.

G. Curbing.

Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be nominal six (6) inches in height.

H. Surfacing.

The entire site on which motor vehicle sales is located, other than that devoted to buildings and structures, required yard areas or landscaped areas, shall be hard surfaced and maintained to control dust, erosion and drainage before operation of the business begins.

I. Parking.

1. Customer Parking. A parking plan shall be submitted and approved by the Zoning Administrator. A minimum of sixteen (16) customer parking spaces shall be provided for every acre of total site area in a business district, and in addition, three (3) spaces for each one thousand (1,000) square feet of floor area.

J. Contiguous Site.

Motor vehicle sales shall be on one (1) lot or contiguous lots not separated by a public street, or other use.

## 7.24 Motor Vehicle Service Stations



- A. Purpose.  
The purpose of this Section is to allow for motor vehicle service stations in approximate areas and in a manner as to not adversely impact adjacent properties and ensure the public safety.
- B. Conditional Use Permit Required.  
A Conditional Use Permit is required for the construction or operation of motor vehicle service stations in the (RVC), (RTC), and (CLI) Districts. All conditional uses shall be subject to the requirements of this Section and Section 8.04.
- C. Drainage Plans.  
A drainage system, subject to approval by the Zoning Administrator, shall be installed. The entire site, other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the Planning Commission. Pump islands shall not be placed in the required yards. The area around the pump island to a distance of eight (8) feet on each side shall be concrete. A box curb not less than six (6) inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty (50) feet from the intersection of two (2) street right-of-way lines. Each service station shall have at least two (2) driveways with a minimum distance of one hundred (100) feet between centerlines when located on the same street.
- D. Parked Vehicles.  
No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be awaiting service longer than fifteen (15) days.
- E. Exterior Storage.  
Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise.
- F. Storage Areas.  
All areas utilized for the storage of vehicles and storage or disposal of waste, debris, discarded parts and similar items shall be fully screened. In no case shall the total area of exterior storage exceed one fourth (1/4) the total lot area. All structures and ground shall be maintained in an orderly, clean and safe manner.
- G. Related Business Activities.  
Business activities not listed in the definition of service stations in this Ordinance are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following:
1. Automobile car and truck wash.
  2. Rental of vehicles, equipment or trailers.
  3. General retail sales.

## **7.25 Motor Vehicle Reduction/Salvage Yards**

- A. Purpose.  
The purpose of this Section is to provide for motor vehicle reduction/salvage yards in appropriate areas and establish performance standards to minimize visual impacts of such uses from adjacent properties and public right-of-ways.
- B. Conditional Use Permit Required.  
A Conditional Use Permit is required for the establishment or operation of any motor vehicle reduction/salvage yard in the (CLI) District. All conditional uses shall be subject to the requirements of this Section and Section 8.04.
- C. Operation Plan.  
Operation shall be in accordance with an approved plan, which shall become part of the zoning permit.
- D. Location.  
Motor vehicle reduction/salvage yards shall be located in accordance with the following:
1. The site shall not be located within one thousand (1,000) feet of any public park.
  2. The screened area must not be within one (1) mile of U.S. Highway 8 and six hundred sixty (660) feet from any state or county highway.
- E. All motor vehicle reduction/recycling yards shall be considered as and shall be subject to all provision for limited business uses.
- F. Screening.  
All motor vehicle reduction/recycling yards shall be screened from view from all federal state, and county roads. One hundred (100) percent opaque fence must be constructed on all property boundaries for screening, to a maximum height of twelve (12) feet. Vehicles may not be stacked above the fence line.

## **7.26 Solid Waste Facilities**

- A. Purpose.  
The purpose of this Section is to recognize the need for areas to locate facilities for the management of solid wastes, and to establish plans and standards for the locating and development of such facilities.
- B. Conditional Use Permit Required.  
A Conditional Use Permit is required for the establishment or operation of any private or publicly owned or operated facilities used for a solid waste facility as defined in the Solid Waste Ordinance in the (CLI) and (A) Districts, subject to the following requirements and those set forth in Section 8.04.

1. All federal and state permits have been issued.
  2. An operational plan has been submitted and approved as part of the Conditional Use Permit application.
- C. Performance Standards.  
All federal and state performance standards shall apply including those set forth in this Ordinance and the Chisago County Solid Waste Ordinance.

## 7.27 Mineral Extraction

- A. Purpose.  
The purpose of this section is to protect the public health, safety and welfare through the following:
1. Identify Identify areas in the community where mineral extraction is most appropriate and minimizes conflicts with other land uses.
  2. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
  3. Establish standards which prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole.
  3. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses which are compatible with the Chisago County Comprehensive Plan.

- B. Definitions.  
For the purposes of this section, the following terms shall have the meaning associated with them:

Accessory Uses

Accessory uses of a mineral extraction facility include the manufacture, storage and sale of products made from minerals.

Board

The County Board of Commissioners of Chisago County.

Commission

The Planning Commission of Chisago County.

Comprehensive Plan

The Chisago County Comprehensive Plan.

County

The County of Chisago, Minnesota.

Dust

Airborne mineral particulate matter.

Excavation

The movement of minerals on a site.

Mineral

Sand, gravel, rock, soil, clay and similar higher density non-metallic natural minerals.

Mineral Extraction

The removal of minerals from the ground and off the site.

Mineral Extraction Facility

Any area used for mineral extraction and processing minerals.

Mineral Extraction Permit

The permit required for mineral extraction facilities.

Operator

Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.

Principal Use

The principal use of a mineral extraction facility is the extraction, crushing, screen, mixing, storage and sale of minerals from the facility.

Processing

Any activity which may include the crushing, screening, mixing, and stockpiling of sand, gravel, rocks, or similar mineral products into consumable products such as fill, construction grade sand, gravel, roadway mixes, and other similar granular products.

Rehabilitation

To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.

Soil

A natural three dimensional body of the earth's surface.

Subject Property

The land on which mineral extraction is permitted.

Topsoil

The upper portion of the soils present that is the most favorable material for plant growth.

Zoning Ordinance

The Chisago County Zoning Ordinance.

C. Mineral Extraction Permit Required.

A Mineral Extraction Permit is required for all mineral excavation facilities. A Mineral Extraction Permit is a conditional use and shall be processed in accordance with Section 8.04 of this Zoning Ordinance and the additional procedures and requirements of this section. Mineral Extraction Permits may be issued in all zoning districts except the (UR) District. Legal non-conforming mineral extraction facilities expanding on new parcel after adoption of this Ordinance shall be required to obtain a Mineral Extraction Permit consistent with the provisions of this Ordinance.

D. Exceptions from Permit Requirements.

A Mineral Extraction Permit shall not be required for the following:

1. Excavation for a structure if a building permit has been issued.
2. Excavation in a right-of-way or utility corridor by state, county, city or township authorities in connection with construction or maintenance of public improvements.
3. Excavations not exceeding four hundred (400) cubic yards, annually.
4. Excavation for agricultural purposes.
5. Excavations for public utility purposes.

E. Permit Application Requirements.

1. Application form.

An application for a Mineral Extraction Permit shall be submitted to the County on a form supplied by the County. Information shall include but not be limited to the following:

- a. The following maps of the entire site and to include areas within five hundred feet (500') of the site. All maps shall be drawn at a scale of one inch (1") to two hundred feet (200') unless otherwise stated below:

Map A: Existing conditions to include:

- i. Property boundaries.
- ii. Contour lines at ten (10) foot intervals
- iii. Existing vegetation.
- iv. Existing drainage and permanent water areas.
- v. Existing structures.
- vi. Existing wells and private sewer systems of record.

- vii. Existing pipelines, power lines and other utilities.
- viii. Easements.

Map B: Proposed operations to include:

- i. Property boundaries.
- ii. Structures to be erected.
- iii. Location of sites to be mined showing depth of proposed excavation.
- iv. Location of tailings deposits showing maximum height deposits.
- v. Location of processing areas and machinery to be used in the mining operation.
- vi. Location of storage of mined materials, showing height of storage deposits.
- vii. Location of vehicle parking.
- viii. Location of storage of explosives.
- ix. Erosion and sediment control structures.
- x. Haul routes.

Map C: End use plan to include.

- i. Property boundaries.
- ii. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
- iii. Location and species of vegetation to be replanted.
- iv. Location and nature of any structure to be erected in relation to the end use plan.
- v. Turf Rehabilitation Plan.
- vi. Name, address, phone number, contact person for the operator.
- vii. Name, address, phone number of the landowner.

- viii. Names of the adjacent landowners including all those within a one-quarter (1/4) mile radius of the boundary line of the subject property.
- ix. Acreage and complete legal description of the subject property on which the facility will be located, including all contiguous property owned by the landowners.
- x. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.
- xi. Phasing plan and estimated timeframe to operate the facility.
- xii. A description of all vehicles and equipment estimated to be used in the operation of the facility, including a description of the estimated average daily and peak daily number of vehicles accessing the facility.
- xiii. Any other information or documentation required for issuance of the Mineral Extraction Permit under Section 8.04 of the Chisago County Zoning Ordinance.

2. Supporting Documentation.

Every application for a Mineral Extraction Permit shall include submission of supporting documentation, which shall include, but is not limited to the following:

- a. A description of existing land uses on the subject property and all properties within one-quarter (1/4) mile.
- b. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within one-quarter (1/4) mile.
- c. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
- d. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
- e. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- f. Copies of the MPCA application documents and operating permits.

- g. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff.
- h. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
- i. A description of the plan to mitigate potential impacts resulting from mineral extraction.
- j. A description of site screening, landscaping and security fencing.
- k. Site rehabilitation plans for each phase of operation and upon completion of mineral extraction of the subject property.
- l. A description of the method in which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method by which complaints are to be resolved.
- m. A plan for groundwater quality protection. A minimum of three (3) cross-sections showing the extent of overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past. The Planning Commission reserves the right to require additional borings if necessary.

F. Permitting Procedure.

- 1. Application.  
A request for a Mineral Extraction Permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form, the required application fee shall be paid, and a deposit made to reimburse the County for its out-of-pocket costs in processing the application. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use as specified under Section 7.27(E). The Zoning Administrator shall refer the application along with all related information, to the County Planning Commission for consideration.
- 2. Notice.  
The Zoning Administrator shall notice a public hearing to be held by the Planning Commission. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of public hearing shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties in unincorporated areas, whichever would provide notice to the greatest number of owners. A copy of



the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made a part of official record. 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 with this subdivision has been made.

3. Additional Information.

The Planning Commission and the Zoning Administrator, and County Board shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the County to review the request or to establish performance conditions in relation to this Ordinance.

4. Referrals.

The Planning Commission, the Zoning Administrator, and County Board may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District and the Minnesota Pollution Control Agency.

5. Recommendation.

The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the County Board. The County may impose such additional restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to the following:

- a. Matters relating to the appearance.
- b. Hours of operation.
- c. Increasing setbacks.
- d. Limiting the height, size, or location of buildings.
- e. Controlling the location and number of vehicle access points.
- f. Increasing street width and improving access conditions.
- g. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- h. Limiting the area to be mined.
- i. Requiring phased rehabilitation.
- j. Requiring financial security to guarantee compliance with the conditions of approval.
- k. Water quality monitoring.

6. County Board's Action and Findings.  
The County Board shall approve, modify, or deny the request and state the findings of its actions. Approval of a Mineral Extraction Permit shall require passage by majority vote of the County Board. The Zoning Administrator shall notify the applicant of the County Board's action.
7. Reapplication/Lapse of Mineral Extraction Permit.  
The County Board shall not accept reapplication for the same or substantially same Mineral Extraction Permit within six (6) months of denial. Any Mineral Extraction Permit approved but not used within twelve (12) months of the date of approval shall be null and void.
8. Amended Mineral Extraction Permit.  
Any change to the approved Mineral Extraction Permit shall require an amended Mineral Extraction Permit. Any expansion beyond the original boundaries shall not be considered an amended permit and shall require a new Mineral Extraction Permit.

G. Security.

The County shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a bond, letter of credit or cash escrow in such form and sum as determined by the Board as part of the permit. The security shall be sufficient to reimburse the following costs:

1. Costs of bringing the operation into compliance with the Mineral Extraction Permit requirements, including site monitoring and enforcement costs.
2. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the County Engineer.
3. Site restoration.
4. Costs the County may incur in enforcing the terms of the Mineral Extraction Permit, including attorney's fees.

H. Annual Certification.

Annual certification of all Mineral Extraction Permits is required. The purpose of the annual certification is to maintain an updated listing of active permits in the County, to decertify any permits where the activity has ceased, and to monitor compliance with the conditions of approval. Permit holders must complete and return certification forms provided by the County. Failure to maintain certification shall be cause for revocation of the permit.

I. Use Restrictions.

The following uses are prohibited unless specifically authorized in the Mineral Extraction Permit:

1. The washing of the extracted material.

2. The production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
3. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete, asphalt and any similar production or manufacturing processes.

J. Mineral Extraction Performance Standards.

The following performance standards apply to all mineral extraction facilities in the County:

1. Minimum Lot Size.

The minimum lot size for which Mineral Extraction Permits may be issued is twenty (20) acres. The Zoning Administrator may issue an administrative permit for a temporary extraction activity on less than twenty (20) acres associated with local construction projects. The permit shall be limited to one calendar year in duration and shall be subject to all performance standards of the Ordinance, unless certain standards are specifically waived by the Zoning Administrator. The Zoning Administrator may also require additional conditions, such as specifying haul routes and guaranteeing haul route maintenance and repair.

2. Hours of Operation.

Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 8:00 p.m., Monday through Saturday.

a. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the County in advance of the proposed extension.

b. Other exceptions to the hours of operation must be approved by the County. Approval may only be granted in conjunction with the furnishing of material for a public improvement project that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.

c. Other exceptions approved by the County Board.

3. Fencing.

Fencing, signs, and barriers are required around ponding areas and steep sloped excavation areas unless, because of their location, they are not deemed to create a safety hazard.

4. Access.

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 the public road in view so that any turns onto the public road can be completed with a margin of safety.

5. **Roadway Dust Control.**  
Operators shall be responsible for providing dust control on all gravel roads used by trucks hauling to or from a mineral excavation facility. Unless waived by the County Board in lieu of other remedies, watering roadways will be required when conditions warrant it.
6. **Mineral Extraction Facility Dust Control.**  
The County may require watering in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to control dust may include berming, landscaping, and enclosures for processing equipment. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize dust conditions, as far as practicable. All access roads from mining operations to public highways, roads, or streets, or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.
7. **Noise.**  
Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency.
8. **Vibration.**  
Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment.
9. **Air Quality/Water Quality.**  
All activities on the subject property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits.
10. **Water Resources.**  
The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quality of surface or subsurface water. Surface water originating outside and passing through the mineral extraction facility shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The operator shall perform any water treatment necessary to comply with this provision.
11. **Screening.**  
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. The design of the screening barrier shall be adequate to provide screening that would minimize the visual interruption of the surrounding landscape. When practicable, a screening barrier must be maintained between the mineral extraction operation and any public road.
12. **Unauthorized Storage.**  
Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility, except as specifically authorized in the Mineral Extraction Permit.

13. **Setbacks.**  
Mineral extraction shall occur no closer than fifty (50) feet from any property line or road easement. An exception to the property line setback requirement may be considered on a case-by-case basis where two mineral extraction facilities share a common lot line and the County Board determines it be to in the County's interest to waive all or portions of the contiguous setback areas between the facilities. The setbacks for all other equipment and activities shall be based upon performance standards for noise, dust control, visual screening and the like as determined in the application review process.
  14. **Phasing.**  
Phasing plans must be prepared for all mineral extraction facilities. The plans shall include the details and schedule for rehabilitation in the transition of one phase to another.
  15. **Minimum Disturbance.**  
Existing trees and ground cover outside of mineral extraction areas shall be preserved to the maximum extent possible.
  16. **Weed Control.**  
The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
  17. **Waste Disposal.**  
Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State and County requirements.
  18. **Recycled Concrete and Asphalt.**  
The importation of recycled concrete and asphalt may be considered an accessory use, at the discretion of the County Board, provided also that it is processed and prepared for construction reuse or sale.
  19. **General Compliance.**  
The operators must comply with all other Federal, State, Regional, County, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to Floodplain Management regulations, Shoreland Management regulations, and Zoning Ordinance regulations.
  20. **Additional Regulations.**  
The County may impose additional regulations and requirements to the Mineral Extraction Permit to protect the public health, safety, and welfare.
- K. **Land Rehabilitation.**  
Land rehabilitation plans for Mineral Extraction Permits must include the grading plans, topsoil replacement, seeding, mulching, erosion control, and sedimentation control specifications for each phase and the final site restoration. The following minimum standards and conditions apply:

1. Final grades may not exceed a 3:1 ratio (33% slope), except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin twenty (20) feet from property lines.
2. A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
3. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.
4. Soil restoration, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage, and staging areas within each phase.
5. Soil erosion and sedimentation control measures shall be consistent with MPCA's "Protecting Water Quality in Urban Areas."
6. Unless otherwise amended or approved by the County, all final grades and site restoration efforts shall be consistent with the Rehabilitation Plan.
7. Within six (6) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.
8. Within twelve (12) months after completion of mineral extraction or after termination of the permit, site rehabilitation must be completed.
9. All water areas resulting from excavation shall be eliminated upon rehabilitation of the site. In unique instances where the County Board was reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

L. Violations and Penalties.

1. Any firm, person or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
2. In the event of a violation or threatened violation of any of the terms of this Ordinance, the County may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

**7.28 Communications Towers and Antennae**

- A. **Conditional Use Permit Required.**  
A conditional use permit is required for the construction or erection of any communications towers. New uses on existing structures are exempt from the CUP process, but require Planning Commission and County Board approval.
  
- B. **Co-location on Existing Structures.**  
New towers or antennae must be located on existing structures in the County, unless it can be documented that it is impractical to co-locate on an existing structure because of technical performance, system coverage or system capacity, an existing structure cannot support collocation from a structural engineering standpoint, or the lease rate of an existing structure is not “rate reasonable”. Rate reasonable shall mean that the co-location lease rate is not more than one hundred fifty (150) percent of the co-location lease rate for towers within ten miles for which such lease rate information can be obtained. The determination that location on an existing structure is not practical, because of technical performance, system coverage or system capacity, shall be supported by findings from a qualified engineer.
  
- C. **Co-location Requirements for New Structures.**  
New towers shall be designed and constructed to permit the future co-location other commercial wireless telecommunications services, according to the following criteria:

<u>Height of Structure</u>	<u>Additional Users Facility Must Accommodate</u>
Less than 100’	No co-location required
Between 100’ and 130’	1 additional user accommodated
Between 131’ and 160’	2 additional users accommodated
Between 161 and 199’	3 additional users accommodated

In satisfying co-location requirements, the owner of the tower must provide adequate access to the tower site and space within the owned or leased area to accommodate co-location user’s equipment needs. Nothing in these regulations shall prevent the owner of the tower from requiring remuneration from a co-location user, provided such remuneration is rate reasonable. The owner of the tower may also establish reasonable technical requirement for co-location to protect the owner’s investment and guarantee effective telecommunication service. The owner of the tower shall have the authority to review all plans for co-location uses and require reasonable modifications for such plans to ensure safe and efficient operation of the communications services and protect the owner’s investment.

- D. **Tower and Antenna Design.**  
Towers and antennae shall be located and designed to blend into the surrounding environment to the maximum extent possible. Towers shall be of a monopole design unless it is determined that an alternative design would be appropriate for the particular site or circumstances. All towers shall be painted in a color best determined by the County to blend into the particular environment.
  
- E. **Tower Setbacks.**

All towers shall be setback from structures, rights-of-way and property lines at a distance equal to the height of the towers and antenna. The setbacks may be reduced to a distance agreed upon by the County, if the tower applicant furnishes a registered engineer's certification that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the total tower height. The County may waive or modify setback requirements for antennae proposed to be collocated on existing towers or structures.

F. Lighting.

Towers shall not be illuminated unless required by a state or federal agency.

G. Security.

The site area for new or modified commercial wireless telecommunications services towers shall be totally fenced in to discourage access by unauthorized persons. The County shall review and approve or modify all plans for fencing and security measures.

H. Accessory Structures.

The applicant shall submit site plans, elevations and construction details for all towers, antennae and accessory structures to be located on a site. All equipment must be enclosed within a building. The County may require that any accessory structures be designed compatible with surrounding structures or natural environment and may require that landscaping materials be provided to screen accessory structures or equipment. Co-location users must construct buildings compatible with existing buildings on the premises.

I. Signs.

Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any towers, antennae or accessory structures or equipment. No permitted signs shall exceed three (3) square feet in area.

J. Interference.

No wireless telecommunications service shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunications devices including, but not limited to, radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices. An applicant must furnish Minnesota registered engineer's certification that no such interference will occur, or identify what interference may occur and how the applicant will mitigate any potential interference that may occur.

K. Construction Requirements.

All wireless telecommunications towers, antennae and accessory uses shall be designed and constructed in accordance with all provisions of this Ordinance and all applicable state and federal codes. All plans must be certified by an engineer registered in the State of Minnesota.

L. Abandonment.

All towers and antennae not used for a period of twelve (12) consecutive months shall be considered abandoned and shall be removed. In the event any towers and antennae have not been removed within ninety (90) days written notice by the County after abandonment, the County shall have the right to remove the towers and antennae and assess the property. The applicant must furnish a copy of the relevant portions of an executed lease, which identifies



the applicant's obligation to remove abandoned or unused towers and antennae prior to the issuance of a conditional use permit to erect a tower.

M. Other Requirements.

The County may require additional information from the applicant and impose additional standards and regulations in approving plans or wireless telecommunications services to ensure and protect the public health, safety and welfare.

**7.29 Adult Use**

A. Definitions.

For the purposes of this section the following words shall have the following meanings:

1. Adult Uses.

Adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult health club/sport club/massage parlor, adult sauna/steam room/bathhouse facility, adult health/sport club, adult companionship/conversation/rap establishment, adult cabaret, adult novelty business, adult motion picture arcade, adult modeling studio, adult body painting studio and other premises, enterprises, establishments, businesses or places open to some or all members of the public and membership clubs at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

Activities classified as obscene as defined by Minnesota Statutes.

a. Adult Use, Principal

An Adult Use in which one of the following conditions is met:

- i. The Adult Use comprises ten percent (10%) or more of the floor area of the establishment in which it is located; or
- ii. The Adult Use comprises twenty percent (20%) or more of the gross receipts of the entire business operation; or
- iii. The Adult Use involves or includes any activity besides the sale or rental of adult merchandise.

b. Adult Use, Accessory

An Adult Use in which all of the following conditions are met:

- i. The Adult Use comprises no more than ten percent (10%) of the floor area of the establishment in which it is located; and
- ii. The Adult Use comprises no more than twenty percent (20%) of the gross receipts of the entire business operation; and
- iii. The Adult Use does not involve or include any activity except the sale or rental of adult merchandise.

2. Live on Site

The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by a performer on the premises of an Adult Use, including but not limited to:

a. Adult Body Painting Studio

An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude or the application of paint or other substance by a patron to the body of another person.

b. Adult Cabaret

A building or portion of a building which provides exotic dancing, striptease or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

c. Adult Companionship/Conversation/Rap Establishment

A companionship/conversation/rap establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

d. Adult Health Club/Sport Club/Massage Parlor

A health club, sport club or massage parlor that excludes or restricts minors by reason of age, or that provides services distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

e. Adult Modeling Studio

An establishment whose business is the provision to customers of figure models who are provided with the intent of giving sexual stimulation or sexual gratification to customers who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, videotaped or otherwise depicted by such customers.

f. Adult Sauna/Steam Room/Bathhouse Facility

A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing which utilizes steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam

room/bathroom facilities distinguished or characterized by an emphasis on, "specified sexual activities" or "specified anatomical areas".

3. Media On Site

The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by means of printed materials. Drawings, sketches, paintings, cartoons, movies, videos, computer generated images, or other visual or auditory devices or toys, for use on the Adult Use premises, including but not limited to:

a. Adult Mini-Motion Picture Theatre

A building or portion of a building with a capacity for less than 50 persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

b. Adult Motion Picture Arcade

A building or portion of a building wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

c. Adult Motion Picture Theatre

A building or portion of a building with a capacity of 50 or more persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

4. Media Off Site

The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by means of toys, devices, printed materials, drawings, sketches, paintings, cartoons, movies, videos, computer generated images, or other visual or auditory devices for use at a location other than the Adult Use premises including but not limited to:

a. Adult Bookstore

A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, motion picture films, digital video discs, compact discs or other computer generated images, if such building or portion of a building excludes minors by reason of age or if a substantial or significant portion of the items bartered, rented, or sold are

distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “Specified anatomical areas”.

- b. Adult Novelty Business  
A building or portion of a building used for the barter, rental or sale of toys, instruments, devices, clothing or paraphernalia designed or used in connection with the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities.
5. Approval  
Permission granted by Chisago County to operate a business or commercial enterprise where there is an emphasis on the presentation, display, depiction or description of specified anatomical areas or specified sexual activities.
6. Approved Premises  
The physical area of a sexually oriented business devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, which is required to be approved under the Chisago County Zoning Ordinance and which is specifically identified in the Conditional Use Permit granted to the Adult Use Business.
7. Educational Institution  
A premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study. The term "educational institution" includes a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, senior high school, vocational school or college.
8. Licensed Family Day Care, Licensed Group Family Day Care, Licensed Child Care Center  
A facility holding a license from Chisago County or Minnesota pursuant to Minnesota Statutes, and/or Minnesota Rules, as amended.
9. Minor  
Any natural person under the age of eighteen (18) years.
10. Performer  
A performer is any individual including, but not limited to, employees and independent contractors of the sexually oriented business, who personally presents, displays, depicts, or describes specified sexual activities or specified anatomical areas.
11. Permit  
A Conditional Use Permit required as a prerequisite to the establishment of certain uses in certain zoning districts.
12. Place of Worship  
A building space that is used as a place where people of the same faith or religion regularly assemble for worship.

13. Presentation  
The display, depiction or description of specified sexual activities or specified anatomical areas.
14. Public Park  
A park, reservation, open space, playground, beach or recreation or community center in the County for recreational, educational or environmental purposes.
15. Specified Anatomical Areas
  - a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola.
  - b. Exposed or opaquely covered human male genitals in a discernibly turgid state.
16. Specified Sexual Activities
  - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zoerasty: or
  - b. Presentation, display, depiction, or description of human genitals in the state of sexual stimulation, arousal, or tumescence: or
  - c. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation: or
  - d. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts: or
  - e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person: or
  - f. Erotic or lewd touching, fondling or other sexual oriented contact with an animal by a human being: or
  - g. Human excretion, urination, menstruation, vaginal or anal irrigation, or any combination of the above.

B. Permit Application Requirement

1. Permit Required.  
No person, firm or corporation shall operate or allow the operation of a Principal Adult Use on property under the person's ownership or control without a valid Adult Use Conditional Use Permit issued by Chisago County pursuant to Section 8.04 of the Zoning Ordinance. This requirement is in addition to other permits required by this Ordinance. An Accessory Adult Use is allowed without a Conditional Use Permit provided that it conforms to the Accessory Adult Use definition and all other applicable ordinances.
2. Applications.  
The applicant for an Adult Use Conditional Use Permit shall complete an Application on a form provided by the County. This application shall include:
  - a. The name, address of owner, parcel number, phone number and birth date of the applicant, if an individual; and if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owners holding more than twenty (20) percent of the issued and outstanding stock of the corporation or ownership interest in a partnership, LLC or similar entity.
  - b. A detailed floor plan, drawn to scale, showing the types of activities which will be conducted in each area of the Adult Use; the design or performance or display areas, seating areas, restrooms, service areas, and non-public areas.
  - c. A map showing all principal land use within 500 feet of the parcel for which application is being made.
  - d. All information required for a Conditional Use Permit in Zoning Ordinance Section 8.04.
  - e. Proposed hours of operation, provisions to restrict access by minors, and business name to be used by permitted Adult Use.

C. Material Changes in Design or Use.

1. If an applicant makes any material changes in the proposed design or use of the property, or any other changes to the information submitted in this application, before an adult Conditional Use Permit is issued, the applicant shall submit the proposed changes in writing to the Chisago County Zoning Administrator. Changes submitted by the applicant will automatically restart the time limit imposed by Minnesota Statutes.
2. If an Adult Use permit holder proposes material changes in the design, construction, or use of an already permitted Adult Use, said changes shall require an amended Adult Use Conditional Use Permit and all procedures shall apply as if a new permit were being issued, pursuant to Zoning Ordinance Section 8.04H.

D. Granting of the Permit

1. The County shall issue an Adult Use Conditional Use Permit only to the owner of the real property or to an applicant who has the express written permission from the owner to use the land for an Adult Use.
2. An Adult Use Conditional Use Permit shall be valid only for the specific building and type of use described in the application.
3. Adult uses are subject to the conditions and performance standards listed in this Ordinance.

E. Performance Standards and Conditions of Conditional Use Permit – Adult Use.

1. The County may issue Adult Use Conditional Use Permits to businesses located in a (CLI) Districts. All Adult Use Conditional Use Permits shall be subject to the following conditions.
  - a. No Adult Use shall be located closer than 500 feet to any of the following pre-existing uses:
    - i. Other approved premises containing an Adult Use.
    - ii. Dwelling unit within a residential zone, pool hall, video arcade, hotel, motel, licensed day care home, public library, or licensed group family day care home.
    - iii. Public park, campground, or public swimming pool, beach or playground.
    - iv. Educational institution.
    - v. Any building that contains a business that sells or dispenses alcoholic beverages or holds a consumption and display permit for alcoholic beverages.

(Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the approved premises containing the Adult Use to the nearest point of the above.)

- b. No Adult Use shall be located closer than 100 feet to any dwelling unit within a non-residential zone. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the approved premises containing the Adult Use to the nearest point of the above.
- c. No Adult Use shall be located closer than 1000 feet to any licensed child care or day care center or place of worship. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening

structures or objects, from the nearest point of the approved premises containing the Adult Use to the nearest point of the above.

- d. An Adult Use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statutes nor shall an Adult Use be located in a building that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit.
- e. All setbacks identified in this section are reciprocal from Adult Uses to the uses identified in this Ordinance.
- f. No Adult Use can offer or conduct more than one of the following on the same parcel:
  - i. Adult uses defined in this section as Live On Site
  - ii. Adult uses defined in this section as Media On Site
  - iii. Adult uses defined in this section as Media Off-Site
- g. All Adult Uses shall prominently display at all public entrances, located within two (2) feet of the door opening device of the business establishment or section of the establishment devoted to Adult Uses a sign which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter." The sign shall be in clear legible letters each letter being at least one inch high.
- h. **Parking.**  
Adult Uses shall create and maintain a minimum of off-street parking spaces equal to one (1) parking space per each four (4) persons up to a maximum occupancy of the establishment.
- i. Adult Uses must be contained entirely within an enclosed building with opaque coverings over all doors, windows, or other openings.
- j. No person(s) under eighteen (18) years of age shall be permitted in any Adult Use premises, enterprise, establishment, business or place.
- k. Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this Ordinance be construed to allow an activity otherwise prohibited by law.
- l. The owner/operator shall hire and employ their own security personnel who shall provide crowd control to maintain orderly conduct at such establishment. These employees are not required to be law enforcement personnel.



m. Stage Requirements.

It shall be a violation of this Ordinance for an Adult Use to knowingly or unknowingly allow an entertainer to appear in a state of semi-nudity unless the entertainer is at least six feet from patrons and customers and on a stage at least two feet from the floor.

F. Inspection.

An applicant or approved Adult Use shall permit representatives of law enforcement, health department, fire department, Environmental Services Department, or other County departments or agencies to inspect the premises of an Adult Use Establishment at any time it is occupied or open for business for the purpose of ensuring compliance with the terms of this Ordinance.

G. Existing Adult Uses.

Principal Adult Uses legally existing on the date Section 7.29 is adopted and which do not conform to the requirements of Section 7.29, may continue subject to the following provisions:

- a. No such use shall be expanded, enlarged, or relocated within the same or another building or structure, except in conformity with the provisions of this Ordinance; and
- b. The Adult Use shall apply for an Adult Use Conditional Use Permit by the County within 6 months of the adoption of Section 7.29 Adult Use, as the amendment to the Chisago County Land Use Ordinance.

H. Accessory Adult Use.

1. An Adult Use shall be considered an Accessory Adult Use if all of the following conditions are met:

- a. The Adult Use comprises no more than ten percent (10%) of the floor area of the establishment in which it is located; and
- b. The Adult Use comprises no more than twenty percent (20%) of the gross receipts of the entire business operation; and
- c. The Adult Use does not involve or include any activity except the sale or rental of adult merchandise.

2. Separation of Areas.

Accessory Adult Uses shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access:

- a. Movie rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.

- b. Magazines or publications classified as adult uses shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
  - c. Other adult uses not specifically cited shall comply with the intent of this Ordinance.
3. Advertising.  
Accessory Adult Uses shall be prohibited from both internal and external advertising and signing of adult materials and products.

I. Revocation.

1. The County may revoke an Adult Use Conditional Use Permit upon determination of one or more of the following:
- a. An Adult Use Conditional Use Permit holder gave false or misleading information in the material submitted during the application process;
  - b. An Adult Use Conditional Use Permit holder either knowingly allowed possession, use, or sale of controlled substances or alcohol on the premises, or should have known that said activity was occurring;
  - c. An Adult Use Conditional Use Permit holder either knowingly allowed prostitution on the premises, or should have known that said activity was occurring;
  - d. An Adult Use Conditional Use Permit holder either knowingly allowed any Specified Sexual Activities to occur in or on the premises, or should have known that said activity was occurring; or
  - e. An Adult Use Conditional Use Permit holder violates one or more conditions of the original Adult Use Conditional Use Permit.
  - f. An Adult Use Conditional Use Permit holder either knowingly allowed minors on the premises, or should have known that said activity was occurring.
  - g. An Adult Use has been sold to an owner who would not be qualified to receive an Adult Use Conditional Use Permit.
  - h. An Adult Use Conditional Use Permit holder commits any act determined to be a violation of the Adult Use Conditional Use Permit.
2. Revocation Procedure.  
Upon determination by the County that a revocation should be commenced, the County Board shall make the final decision following a public hearing as to whether

or not to revoke the Adult Use Conditional Use Permit. If the County Board decides to revoke the Adult Use Conditional Use Permit, the revocation shall be effective upon delivery of written notice to the Adult Use Conditional Use Permit holder.

J. Exemptions.

The provisions of this Ordinance shall not apply to:

1. Any sex therapist or similar individual licensed by the State of Minnesota to provide bona fide sexual therapy or counseling, a licensed medical practitioner, licensed nurse, psychiatrist, or psychologist while providing professional services for which they are licensed.
2. Persons engaged in expressing a matter of serious literary, artistic, scientific, or political value.
3. Venues primarily devoted to the arts or theatrical performances.

K. Repeal.

It is not intended by this Ordinance to repeal any Ordinance. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistency only. The Chisago County Adult Use Interim Ordinance #07-4 is also hereby repealed.

L. Severability.

Every section, provision, sentence, or phrase of this Ordinance is separate from every other section, provision, sentence, or phrase of this Ordinance. If any section, provision, sentence or phrase is adjudicated to be invalid by a court of competent jurisdiction, preempted by state or federal law, or otherwise held invalid, such judgment shall not invalidate any other section, provision, sentence, or phrase of this Ordinance.

M. Effective Date.

This Ordinance Section shall be in force and effect immediately upon its passage and approval and publication of a summary hereof.

## **7.30 WIND POWER MANAGEMENT**

A. General Provisions.

1. Purpose.

This section is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Chisago County not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697.)

2. Severability

The provisions of this section shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof, shall not make void any other paragraph, subparagraph or subdivision of this section.

3. Enforcement, Violations, Remedies and Penalties  
Enforcement of Wind Energy Conversion Systems shall be done in accordance with process and procedures established in the Chisago County Zoning Ordinance.

4. Definitions  
For the purpose of this section, certain words and terms used herein are defined below:

Aggregated Project

Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Commercial WECS

A WECS of equal to or greater than 100 kW in total name plate generating capacity.

Fall Zone

The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line

Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Meteorological Tower

For the purposes of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

Micro-Turbine

A single wind turbine of 3kW nameplate generating capacity or less which is less than forty (40) feet in height.

Micro-WECS

Micro-WECS are WECS of 3kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

### Non-Commercial WECS

A WECS of less than 100 kW in total nameplate generating capacity and having a total height of one hundred ninety-nine (199) feet or less.

### Property Line

The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

### Public Conservation Lands

Land owned in fee title by State or Federal agencies and managed specifically for grassland conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations.

### Rotor Diameter

The diameter of the circle described by the moving rotor blades.

### Substations

Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines.

### Total Height

The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

### Tower

Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

### Tower Height

The total height of the WECS exclusive of the rotor blades.

### Transmission Line

Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

### WECS – Wind Energy Conversion System

An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: Power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of

wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbine

A wind turbine is any piece of electrical generating equipment that convert the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

B. Procedures.

Required Conditional Use Permits shall be applied for and reviewed under the procedures established in the Chisago County Zoning Ordinance, except where noted below.

1. The application for all WECS shall include the following information:
  - a. The name(s) of project applicant
  - b. The name of the project owner
  - c. The legal description and address of the project
  - d. A description of the project including:
    - i. Number
    - ii. Type
    - iii. Nameplate generating capacity
    - iv. Tower height
    - v. Rotor diameter
    - vi. Total height of all wind turbines and means of interconnecting with the electrical grid
    - vii. All related accessory structures
    - viii. The site layout shall include distances and be drawn to scale
  - a. Manufacturer's Certification
  - b. Documentation of land ownership or legal control of the property
2. The application for Commercial WECS shall also include:
  - a. The latitude and longitude of individual wind turbines.

- b. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
  - c. Location of all known Communications Towers within 2 miles of the proposed WECS.
  - d. Decommissioning Plan.
  - e. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
  - f. Engineer's Certification.
- C. Aggregated Projects – Procedures.  
 Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in Minnesota Statutes shall be regulated by the State of Minnesota.
- D. District Regulations.  
 WECS will be conditionally permitted in the (A), (AP), and (PAT) Districts. Only one wind turbine is allowed per parcel, with a minimum of five (5) acres.
- E. Setbacks.
- 1. Substations and Accessory Facilities  
 Minimum setback standards for substations and feeder lines shall be consistent with the standards established in the Chisago County Zoning Ordinance, Section 4.05 Essential Services.

2. Wind Turbines and Meteorological Towers:

Setback from:	Wind Turbine Non-Commercial and Micro-turbines	Wind Turbine Commercial	Meteorological Towers
Property Lines	1.1 times the total height	750 feet	1.1 times the total height
Neighboring Dwellings		750 feet	1.1 times the total height
Road Rights-of-Way*	1.1 times the total height or 150' to the center of the abutting road, whichever is greater	750 feet	1.1 times the total height or 150' to the center of the abutting road, whichever is greater
Other Rights-of-Way	1.1 times the total height	750 feet	1.1 times the total height
Public Conservation Land	NA	750 feet	600 feet
Wetlands (Type 3, 4 & 5)	NA	600 feet	600 feet
Other Structures		1.1 times the total height	1.1 times the total height
NE Lakes and St. Croix River Bluff	¼ mile minimum; 0 on micro-turbines	¼ mile minimum; per setbacks in CUP	¼ mile

\* The setback shall be measured from future rights-of-way if a planned change or expanded right-of-way is known.

F. Performance Standards.

1. General Standards.

- a. Total height.  
WECS shall have a total height of 199 feet or less.
- b. Tower Configuration
  - i. All wind turbines and meteorologic towers, shall be installed with a tubular, monopole type tower.
- c. Color and Finish.  
All commercial wind turbines shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. Lighting.



Lighting of WECS shall not be permitted unless required by state or federal authorities or regulations, in which case the minimum amount of lighting required shall be installed.

- e. Other Signage.  
All signage on site shall comply with the Chisago County Zoning Ordinance. The manufacturer's or owner's company name and/or logo must be placed upon the nacelle (compartment containing the generator) of the WECS so that it is readable from the street.
- f. Feeder Lines.  
All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Chisago County authority.
- g. Waste Disposal.  
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn out parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

2. Safety Design Standards.

- a. Engineering Certification.  
For all WECS', the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- b. Clearance.  
Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
- c. Warnings.  
For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine in a location that is readable from the ground.

3. Other Applicable Standards.

- a. Noise.  
All WECS shall comply with Minnesota Rules governing noise.
- b. Electrical Codes and Standards.  
All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

G. Requirements.

1 Discontinuation and Decommissioning.

a. Surety.

At the time of Conditional Use Permit application applicant shall provide an engineer's estimate of the cost of disassembly and provide financial surety in an amount one and one-half (1 ½) times the estimate.

b. A WECS shall be considered a discontinued use after ninety (90) days without energy production, unless a plan is developed and submitted to the Chisago County Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.

c. Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

2. Orderly Development.

Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program staff of the project location and details on the survey form specified by the Environmental Quality Board.

3. Interference

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

4. Avoidance and Mitigation of Damages to Public Infrastructure

a. Roads.

Applicants shall:

i. Identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable

weight and size permits from the impacted road authority(ies) prior to construction.

- ii. Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
- iii. Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.

b. **Drainage System.**

The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

## **SECTION 8: ADMINISTRATION AND ENFORCEMENT**

### **8.01 Administrating Officer**

This Ordinance shall be interpreted, administered, and enforced by the Zoning Administrator or his or her agent who shall be appointed by the County Board.

### **8.02 Fees and Administrative Charges.**

- A. To defray the costs associated with administrative requests and actions, Chisago County shall charge fees and administrative costs for applications and other administrative actions as established within this Ordinance. These fees and administrative charges are set forth by resolution.
- B. In order to defray the additional cost of processing applications (amendment, conditional use, variance, appeal or any environmental review), all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.
  - 1. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
  - 2. "Staff and/or Consulting Time" shall include any time spent in either researching for or actual production of materials.
  - 3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.

- C. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission. The refund will be less any expenses incurred prior to withdrawal. A deposit to cover staff or consulting time and special materials may be established and required by the Zoning Administrator at the time the base fee is paid.

### **8.03 Functions of the Planning Commission.**

- A. The Chisago County Board of Commissioners hereby establishes the Chisago County Planning Commission. Such Planning Commission shall consist of seven (7) members appointed by the County Board. One member shall be appointed from each Commissioner's District, one member shall serve at large, and one member shall be a County Commissioner. No more than two (2) members shall be residents of the incorporated communities of Chisago County.
- B. The term of each member shall be for three years. Appointments shall be made so that no more than three and no less than two terms are filled at the beginning of each calendar year. Each member may be eligible at the discretion of the County Board for reappointments.
- C. No more than one voting member of the Planning Commission shall be an officer or employee of the County. The County Board may designate any county officer or employee as an ex-officio member of the Commission. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his or her income from business operations involving the development of land within Chisago County for urban and urban related purposes.
- D. The Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has three consecutive unexcused absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- E. Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chair of the County Board. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the By-Laws of this section, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- F. The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary travel expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- G. The Planning Commission shall each year in January elect a Chair and a Vice-Chair from among its members. The County staff shall serve the duties of the secretary. Rules of order and operating policies for the year are to be established at this meeting.
- H. The Planning Commission shall adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendations.

- I. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
- J. The Planning Commission shall act in an official capacity on behalf of the County Board and Zoning Administrator in the administration of this Ordinance and shall review, hold public hearings, and make recommendations to the County Board on the adoption of new ordinances, ordinance amendments, environmental reviews, and all planning applications using the criteria in the County Ordinance.

#### **8.04 Conditional Use Permits - (CUP)**

A Conditional Use Permit is required for all conditional uses listed in this Ordinance.

- A. Procedure  
Request for a conditional use permit (CUP), as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer all complete applications along with all related information, to the Planning Commission for consideration. The submittals may include the following:
  - 1. Site plan drawn at scale showing parcel and building dimensions.
  - 2. Location of all buildings and their square footage.
  - 3. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
  - 4. Existing topography.
  - 5. Finished grading and drainage plan.
  - 6. Type of business or activity and proposed number of employees.
  - 7. Proposed floor plan of any building and use indicated.
  - 8. Sanitary sewer and water plan with estimated use per day.
  - 9. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
  - 10. A location map showing the general location of the proposed use within the County.

11. A map showing all principal land use within 350 feet of the parcel for which application is being made.
  12. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
- B. Upon receipt of the complete application and all required supporting information, the Zoning Administrator shall make notice for a public hearing to be held by the Planning Commission. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of public hearing for conditional uses shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties in unincorporated areas, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of official record. 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 with this subdivision has been made.
- C. The Planning Commission shall consider possible effects of the proposed conditional use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:
1. The Comprehensive Plan and development policies of the County;
  2. The use shall not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
  3. The use shall be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
  4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;
  5. The use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;
  6. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
  7. The use shall not cause traffic hazard or congestion; and
  8. Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.

- D. The Planning Commission, Zoning Administrator, and County Board shall have the authority to request additional information from the applicant and/or to retain an independent consultant at the expense of the applicant if such information or independent review and advice is deemed necessary by the County to adequately protect the public interest during its review of the request and the establishment of any performance conditions pursuant to this Ordinance.
- E. Pursuant to the timelines prescribed in Minnesota Statutes, the Planning Commission shall make a recommendation to the County Board, which may include findings of fact, actions, or conditions relating to the application. The County may impose such additional restrictions or conditions deemed necessary to protect the public interest. These conditions may include the following:
1. Matters relating to the architecture or appearance;
  2. Establishing hours of operation;
  3. Increasing the required lot size or yard dimension;
  4. Limiting the height, size or location of buildings or other structures or facilities, including requiring the underground placement of essential services or transmission or distribution lines;
  5. Controlling the location and number of vehicle access points;
  6. Increasing the street width;
  7. Increasing the number of required off-street parking spaces;
  8. Limiting the number, size, location or lighting of signs;
  9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. When appropriate, restrictive covenants may be entered into regarding such matters;
  10. Designating sites for open space;
  11. In the case of a business, the number of employees reporting to the site, and the length of time spent on the premises;
  12. Appropriate mitigation measures; and
  13. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
- F. Within sixty (60) days (or as otherwise allowed pursuant to Minnesota Statutes) of receipt of a complete planning application, the County Board shall approve, modify or deny the request and state the findings of its actions. Approval or denial of a CUP shall require passage by

majority vote of the County Board. The Zoning Administrator shall notify the applicant of the County Board's action.

- G. **Reapplication/Lapse of Conditional Use Permit.**  
Reapplication for the same or substantially same CUP shall not be accepted within six (6) months of denial by the Board. Any CUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The Planning Commission may renew an expired Conditional Use Permit upon receipt of proper reapplication and fee by the applicant.
- H. **Amended Conditional Use Permit.**  
Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures and fees shall apply as if a new permit were being issued.
- I. **Surety.**  
The County Board shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate.
- J. **Annual Certification.**  
Annual certification of all conditional use permits is required. The purpose of the annual certification is to maintain an updated listing of active conditional uses in the County, for the permit holder to verify compliance with conditions, and to commence revocation procedures for any permits where the activity has ceased. Permit holders must complete and return certification forms provided by the County. Failure to maintain certification may be a basis to revoke the conditional use permit.
- K. **Violations of the Conditions.**  
Violation of the conditions set by the County Board on the Conditional Use Permit shall constitute grounds for the revocation of the CUP. Violating the conditions set in the CUP shall make the use, activity, business, or operation, non-complying and a use which is in violation Section 4.01 D of Ordinance. If a Conditional Use Permit holder gave false or misleading information in the material submitted in the application process, it shall be considered a violation of the conditions.
- L. **Surrender/Revocation of Conditional Use Permit.**
  - 1. Any person, corporation, or other entity may surrender a Conditional Use Permit and the property rights associated with said CUP on the land they own or to which it was issued at a public hearing before the County Board.
  - 2. A Conditional Use Permit may be revoked for violation of any provisions of this Ordinance, conditions of the CUP, or other law as applicable. A CUP may be revoked if the use has been abandoned, terminated, or otherwise ended. If the Zoning Administrator finds that probable cause exists to revoke a CUP, a request for such action shall be made to the County Board. A date shall be set at a regular County Board meeting for a hearing on the matter. The Zoning Administrator shall notify the



Permittee, and other interested parties of the date of the hearing and state the nature of the alleged violations and/or reason(s) for revocation.

3. At the scheduled hearing before the Board, the Zoning Administrator shall show cause why the CUP should be revoked, presenting such evidence and testimony as necessary. The person(s) holding the CUP or their representative(s) may cross examine witness and rebut evidence presented by the Zoning Administrator, and present evidence and or testimony to demonstrate why the CUP should not be revoked. The Zoning Administrator may cross examine witnesses and rebut evidence presented. By majority vote of the County Board, the CUP shall be revoked or retained, with the Board stating the findings for its actions.
4. If the Board decides to revoke the permit, the revocation shall be effective upon delivery of written notice to the Conditional Use Permit holder, or upon posting the notice at the premises for which the CUP was issued. Said notice shall also be recorded with the County Recorder/Registrar of Title. Decisions of the County Board may be appealed to the Minnesota Court of Appeals.

### **8.05 Board of Adjustment and Appeals**

The Board shall be responsible for the following:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the official controls authorized by Minnesota Statutes, or other Statutes, Ordinances, or the Building Code(s).
- B. To hear and decide requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

### **8.06 Variances**

- A. Procedure.  
Requests for variances, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by copies of detailed written and graphic materials fully explaining the proposed change, development and use. The Zoning Administrator shall refer the application, along with all related information, to the Board of Adjustment and Appeals for consideration.
- B. The application shall be accompanied by a site plan of the proposed variance showing such information as may be necessary or desirable including, but not limited to the following:
  1. A specific description of the area for which the variance is requested.
  2. Present and proposed use of land for which variance is requested.
  3. A legal description of the property for which the variance is requested.

4. A detailed map of the property showing the location of proposed buildings, and dimensional variances requested and existing land uses and buildings of adjacent properties within five hundred (500) feet.
  5. Statement of hardship.
  6. Any other information deemed necessary by the Zoning Administrator or Board of Adjustment and Appeals.
- C. The Zoning Administrator, on behalf of the Board of Adjustment and Appeals, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of public hearings for variances shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and unincorporated areas. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator and made part of official record. 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 with this subdivision has been made.
- D. A variance to the provisions of the Zoning Ordinance may be issued to provide relief to the land owner in those cases where the application of the strict letter of the Ordinance imposes particular hardship or practical difficulties to the property owner in the use of this land. No variance may be granted that would allow any use that is prohibited in the zoning district in which the property is located. A variance may be granted only in the event that the following circumstances exist:
1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control;
  2. That 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;
  3. That the special conditions or circumstances do not result from the actions of the owner(s) or under previous owner(s) under the current law;
  4. That granting the variance requested will not result in allowing a use otherwise not permitted in the same district;
  5. The variance requested is the minimum variance which would alleviate the hardship;
  6. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone;

7. Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of this Ordinance; and
  8. In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by State law.
- E. In considering all requests for a variance, the Board of Adjustment and Appeals shall make a finding of fact as appropriate that the proposed action will not:
1. Impair an adequate supply of light and air to adjacent property;
  2. Unreasonably increase the congestion in the public right-of-way;
  3. Increase the danger of fire or endanger the public safety;
  4. Unreasonably cause undue negative impact to surrounding properties;
  5. Cause an unreasonable strain upon existing facilities and services;
  6. Have a negative direct and indirect fiscal impact upon the County or school district, unless the proposed use is determined to be in the public interest; and
  7. Be contrary in any way to the spirit and intent of applicable land use controls.
- F. The Board of Adjustment and Appeals and the Zoning Administrator shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if said information is declared to be necessary by the County to review the request or to establish performance conditions in relation to this Ordinance.
- G. Within sixty (60) days (or as otherwise allowed pursuant to Minnesota Statutes) of receipt of a complete variance application, the Board of Adjustment and Appeals shall make a finding of fact and approve or disapprove the request with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the Board of Adjustment and Appeals' records.
- H. Any decision made by The Board of Adjustment and Appeals shall constitute an order, including approval of a variance, modifications thereto, or outright denials. If such decision is to modify an approval of a variance application, or deny an after-the-fact variance, the Board of Adjustment shall, as an agent of the County, be authorized to order compliance with the modifications, and/or abatement of the violation for which the variance was sought. Failure to comply with such an order shall constitute a violation of this Ordinance, and enforcement of such an order shall be carried out in accordance with the provisions of Section 8.09.

- I. Reapplication for the same or substantially same variance shall not be accepted within six (6) months of denial by the Board of Adjustment and Appeals. Any variance approved but not utilized within twelve (12) months of the date of approval may become null and void, unless the applicant requests a one year extension in writing, prior to the one year anniversary date of approval, and states a valid reason for non-use of the variance.
- J. Surety.  
The County shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate.

## **8.07 Administrative Appeals**

- A. Procedure.  
An appeal, as provided for within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Upon receipt of the complete application and all supporting information, the Zoning Administrator shall refer said application, along with all related information, to the Board of Adjustment and Appeals for consideration.
- B. The application shall be accompanied by information which may be necessary or desirable, including, but not limited to the following:
  - 1. The particular order, requirement, decision or determination from which the appeal is taken.
  - 2. The name and address of the appellant.
  - 3. The grounds for the appeal, with identification of the alleged error.
  - 4. The relief requested by the appellant.
  - 5. Identification of unique circumstances present which merit exception from the usual and customary application of the law and form the basis for the appeal.
- C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment and Appeals, 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.
- D. The Zoning Administrator, on behalf of the Board of Adjustment and Appeals, shall set a date for a hearing of the appeal and give due notice thereof to the appellant, the officer whose decision is being appealed, and the public.
- E. The Board of Adjustment and Appeals shall consider the appeal and hold such hearing at its next regular meeting. The appellant and officer from whom the appeal is taken shall appear before the Board of Adjustment and Appeals in order to answer questions concerning the appeal.
- F. Within sixty (60) days from the date of the receipt of the complete application for the appeal, the Board of Adjustment and Appeals may reverse or affirm, wholly or partly, or may modify

the order, requirement, decision or determination appealed from and, to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board of Adjustment and Appeals' decisions shall be stated in writing.

- G. All decisions by the Board of Adjustment and Appeals in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person(s) shall have the right to appeal the decision to the district court.

## **8.08 Amendments and Rezoning**

- A. **Initiation of Amendments.**  
The County Board, Zoning Administrator, or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the County may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning Commission
- B. **Procedure.**  
Requests for amendments, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Upon receipt of the complete application and all supporting information, the Zoning Administrator shall refer said application, along with all related information, to the County Planning Commission for consideration. Such application shall be accompanied by written and graphic materials containing the following information:
  - 1. Stated reason for requested change;
  - 2. Statement of compatibility with the Comprehensive Plan and relevant Ordinances;
  - 3. Text of portion of the existing Ordinance or map to be amended;
  - 4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance or other relevant Ordinances; and
  - 5. Additional information as may be requested by the Planning Commission.
- C. The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of public hearings for general Ordinance amendments shall be sent to the governing bodies of all townships and municipalities located within the County. When the application of the amendment is to specific properties, written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-half (1/2) mile of the affected property in unincorporated areas. A copy of the notice and a list of the property owners and addresses and local governments to which the notice was sent shall be attested to by the Zoning Administrator and made part of official record. 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 with this subdivision has been made.

- D. The Planning Commission shall consider possible effects of the proposed amendment. The County may adopt amendments to the Zoning Ordinance and zoning map 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 community as reflected in the Comprehensive Plan or changes in conditions in the County. The following factors shall also be considered:
1. Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
  2. Whether the amendment is sufficiently compatible so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
  3. The amendment will not cause traffic hazard or congestion;
  4. The amendment in the opinion of the County is reasonably related to the land use goals of the County, and the needs of the greater community; and
  5. The amendment is consistent with the intent and purposes of the Comprehensive Plan, Zoning Ordinance, and other relevant official land use controls.
- E. The Planning Commission and the Zoning Administrator shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the County in reviewing the request.
- F. Upon conclusion of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the County Board.
- G. Upon receiving the report and recommendation of the Planning Commission, the County Board shall approve, modify, or deny the request and state the findings of its action. Approval of a request shall require passage by a majority vote of the County Board. The Zoning Administrator shall notify the applicant of the County Board's action.

#### **8.09 Penalties and Violations**

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation exists shall constitute a new and separate offense. In the event of a violation or threatened violation of any of the terms of this Ordinance, the County may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance, or other appropriate action to court if necessary to prevent, restrain, correct, or abate such violation or threatened violation. Upon motion the court may award costs, disbursements, and reasonable attorney and witness fees, which costs and fees may be assessed against the property.

**8.10 Repealer**

This Ordinance repeals the Chisago County Zoning Ordinance adopted July 24, 1997 Recording Document Numbers A298564, T9689 and all amendments thereto.

**8.11 Date of Effect**

This Ordinance shall be in full force and effect after its approval and publication as provided by law.