ZONING ORDINANCE

OF

ST. LOUIS COUNTY, MINNESOTA

ORDINANCE NUMBER 62

ADOPTED: SPRING, 2015

ARTICLE I GENERAL STANDARDS AND ADMINISTRATION

Section 1.1 Title

Zoning Ordinance for St. Louis County, Minnesota, otherwise known as Ordinance Number 62.

Section 1.2 Repealer

This ordinance hereby repeals and replaces Ordinance Number 46, the zoning ordinance for St. Louis County.

Section 1.3 Intent and Purpose

It is the purpose of this ordinance to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms, and open spaces of St. Louis County for future generations by establishing comprehensive land use regulations for that portion of St. Louis County, Minnesota, outside the incorporated limits of municipalities, in accordance with the provisions of Chapters 394, 103 A,B,F,G,H, 116D, and all acts amendatory thereof. Further, it is the goal of this ordinance to promote the health, safety, and general welfare of the inhabitants by:

A. Dividing the county into zones and regulating therein the uses of land and the placement of all structures;
B. Encouraging the most appropriate use of land in the county;
C. Recognizing and preserving the economic and environmental values of all lands within the county;
D. Regulating land use in accordance with any applicable county comprehensive plan;
E. Promoting orderly development of the residential, business, industrial, recreational and public areas of St. Louis County;
F. Regulating the location, height, and bulk of structures;
G. Regulating setbacks;
H. Regulating sizes of lots, yards, and other open spaces;
I. Encouraging compatible developments of different land use and the most appropriate use of land within the county; and
J. Maintaining and enhancing the quality and condition of natural resources within the county.

All public waters within the unincorporated areas of St. Louis County, Minnesota, have been given a public waters classification, pursuant to Minnesota Statutes, chapter 103F and all acts amendatory thereof, and uses of shorelands within these classes are hereby designated within this ordinance, and on the official zoning map, based upon the compatibility of the designated type of land use with the public waters classification.

DRAFT

ARTICLE II GENERAL PROVISIONS

Section 2.1 Rules

For the purposes of this Ordinance, words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined herein, are construed according to such special meaning or their definition. The words “shall” or “must” are mandatory, not permissive. The singular includes the plural; and the plural, the singular; words of one gender include the other genders; words used in the past or present tense include the future. General words are construed to be restricted in their meaning by preceding particular words. All distances, unless otherwise specified, shall be measured horizontally; measures of height are vertical. References to Minnesota Statutes and Rules incorporate the language of the Statute or Rule as if were contained in, and pertained to, this Ordinance.

Section 2.2 Contractor Responsibility

Each contractor shall ascertain that all work done on the property of another person must have the proper permit to do such work and complies with the applicable ordinance standards. Failure of any such contractor to comply herewith shall be considered a violation of this ordinance and subject to the enforcement provisions of Article VIII.

Section 2.3 Applicant Responsibility

Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. Property owners are presumed to know the location of their property lines and may not rely on county staff or county geographic information system (GIS) data to determine such locations. St. Louis County assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this ordinance. Property owners and their agents are responsible for determining, locating and complying with setbacks when developing a lot.

Section 2.4 Application and Interpretation

A. Conformance with subdivision regulations: No land use permit shall be issued to establish a use on any lot that has been created, divided or transferred in violation of the subdivision regulations of St. Louis County, or when the Director determines such violation exists.

B. Conformance with floodplain regulations: No land use permit shall be issued that is not in compliance with county floodplain regulations. Where the 100-year flood elevation has not been determined with a detailed study, Minnesota Rule 6120.3300 shall be utilized to approximate the flood elevation.

DRAFT

C. Transfers of land: No lot shall be created that does not meet the requirements of this ordinance; transfers to adjoining parcels of nonconforming parcels are allowed provided such a transfer does not adversely affect the conformity of the remaining lot as it relates to zoning and sanitary standards. A transfer shall not create any new nonconformity, nor shall it increase an existing nonconformity.

D. Permit required: No structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, including the addition of any foundation, and no land shall change in use until the Director has approved and issued a land use permit.

E. Permit not required: No land use permit shall be required for the following land use activities in any zone district; see *Article V and VI* for permits not required in specific zone districts and associated administrative standards:

1. Local public utility distribution lines.
2. Private recreational trails (except for the conditional use review in residential or commercial district).
3. Forest management and agricultural activities (except as required in *Article VI*).
4. Limited remodeling of existing structures, as defined in *Article II, Section 2.7*.
5. Accessory structures that are 150 square feet or less in floor area (other than water oriented accessory structures) used solely for storage and privies provided that such structures meet all required setbacks and sanitary standards.
6. Structures that are being stored on a parcel, but are not utilized for any purpose, may be kept at that parcel without a permit provided all setback standards and lot conformity standards are met.
7. Detached platforms. A detached platform without railings, seats, trellises or other features may be allowed without a land use permit. A detached platform shall not be considered a water oriented accessory structure if the standards listed below are met:
   a. It shall be no larger than 120 square feet in size.
   b. The highest point shall not exceed 18 inches.
   c. It shall be set back from the ordinary high water level a minimum of 10 feet.
   d. It shall not be located in the bluff impact zone.
8. Home occupation, as defined. (See *Article VI, Section 6.20* for home business performance standards.)

F. Dimensional Standards

1. Any structure or use hereafter erected, altered or established, must comply with the area and setbacks specified for the zone district in which it is located, and shall not exceed the maximum lot coverage, as specified in this ordinance.
2. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided. Any structure in any zone district may have an extended roof line which encroaches upon the minimum setbacks, provided such extension does not encroach

DRAFT

more than 3 feet into the required setback and does not interfere with the adjacent property's solar access or create a drainage problem.

3. In Residential and Shoreland areas, the maximum height allowed for structures shall be 35 feet, or as allowed in *Article IV, Section 4.3*, whichever is more restrictive.
4. Structure width facing the water shall not exceed 55 percent of the lot width for principal structures located outside the shoreline setback.

G. Sewage Treatment: Any premises intended for human occupancy must be provided with an approved method of sewage treatment designed in accordance with all local, state and county requirements, or as otherwise specified in this ordinance. No land use permit shall be issued prior to such permit or approval.

H. Construction must Commence: Construction of a building or commencement of a use shall be substantially begun within 24 months of the date a permit is issued, or said permit shall become void. Permit extensions may be granted, with applicable fee, by the Director, provided that the proposal meets ordinance requirements.

Section 2.5 Environmental Review

The county Planning Commission shall review and act upon all environmental review petitions, worksheets and impact statements that involve conditional uses, subdivision plats, or other development proposals. It shall be the responsibility of the applicant to supply all required information and to pay all fees.

The Planning Commission, on any development proposal, may require the applicant to provide information regarding the environmental effects of a proposal either through a discretionary Environmental Assessment Worksheet (EAW) or as part of the permit review process. The Director shall review each EAW and Environmental Impact Statement (EIS) for accuracy and completeness. The Director, upon certification, may submit the report to the appropriate review agencies in accordance with state regulations.

The Director may refer the issue of accuracy and completeness to the Planning Commission who shall hold a public hearing on the draft environmental review. Subject to County Board policy, it is the responsibility of the Planning Commission, after holding a public hearing, to make the final declaration regarding the environmental review.

Section 2.6 Zoning Map

A. District Boundaries Established: Zone district boundaries are established as shown on the official zoning map for St. Louis County. The zone districts shall include a land use district and a dimensional district.

B. Map Incorporated into Ordinance: The map and all notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein

and are hereby made a part of this ordinance by reference and incorporated herein as fully as if set forth herein at length.

C. District Boundary Locations: District boundaries are intended to follow right-of-way lines, street centerline or property lines unless a boundary line is otherwise indicated. The Director shall make interpretations of district boundaries when the line is not clear.

Section 2.7 Definitions

The following words shall be defined as follows for the purpose of this Ordinance:

Access - A way of approaching or entering property without trespassing upon another person's property.

Accessory Dwelling - A structure used as a dwelling unit that may contain sleeping spaces, kitchen facilities and/or bathroom facilities, in addition to those provided in the principal structure.

Accessory Use or Structure - A use or structure on the same lot, and customarily incidental and subordinate to, a principal use or structure, such as storage structures, saunas, gazebos, and uses accessory to the principal use.

Addition – An extension or increase in floor area or height of a building or structure.

Agricultural Use - A category of uses that includes, but is not limited to production, sale or lease of crops (plants), livestock, horses, poultry, fish, bees, and pets including the breeding and grazing of animals.

Airport - Any locality, either on land or water, that is regularly used or intended to be used for the landing and take-off, storage, or servicing of one or more aircraft.

Applicant - A property owner, or an individual acting with express, written permission of the property owner, required to submit a request for a land use permit, conditional use permit, variance or any other permission or permit necessary to modify or use property in the county.

Attorney - The County Attorney of St. Louis County, Minnesota, or authorized representative.

Auditor - The County Auditor of St. Louis County, Minnesota, or authorized representative.

Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics:

A. Part or all of the feature is located in a shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the water body;
C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

DRAFT

D. The slope must drain toward the water body.

Bluff Impact Zone – A bluff and land located within 20 feet from the top of a bluff.

Bluff, toe - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from a gentle slope to steep slope, as defined.

Bluff, top - The point on a bluff where, as visually observed, there exists a clearly identifiable break in the slope from a steep slope, as defined, to a gentle slope.
Board of Adjustment - The Board of Adjustment for St. Louis County, Minnesota, as created by ordinance pursuant to Minnesota Statutes, section 394.27 and all acts amendatory thereof.

Boathouse - A structure designed and used solely for the storage of boats or boating equipment.

Borrow Pit - See extractive use.

Buffer - The use of land; topography, spaces, and screening, to separate uses or structures from other uses or structures.

Building Line - A line parallel to a lot line or the ordinary high water level at the required setback beyond where a structure may not extend.

Campground - An open-air recreation area where temporary or movable shelters, such as tents and recreational vehicles, are intended or used to provide short-term occupancy.

Change in Use - An alteration in the permitted use of an existing structure or premises to be used for a different purpose. Examples include a house or cabin converted into a storage building or a shop converted into a restaurant.

Commercial Use - The principal use of land or buildings used for the sale, lease, rental, or trade of products, goods, and services.

Communication Tower - A principal structure that is intended to support communication equipment for wireless, broadcast, and/or similar communication purposes.

Comprehensive Plan - A plan created pursuant to Minnesota Statutes, chapter 394 containing objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters.

Conditional Use - A land use or development which would not generally be appropriate without restriction throughout the zone district, but which, if controlled as to number, area, size, location, or relation to neighborhood, and as to compatibility with official county plans, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare.

County - The County of St. Louis, Minnesota.

DRAFT

County Board - The County Board of Commissioners of St. Louis County, Minnesota.

Deck (attached) - A horizontal, unenclosed platform that is attached, or functionally related to a structure. An attached deck shall have no roof, extended soffit, nor walls, but may have railings, seats, or other related features.

Deck (detached) - A horizontal, unenclosed platform that is freestanding, greater than 18 inches in height at any point, and is not attached nor functionally related to a structure. A detached deck shall have no roof, extended soffit, nor walls, but may have railings, seats or other related features.

Department - The Planning and Community Development Department, designated to administer the zoning ordinance and other land use official controls, referred to in this ordinance as "Department."

Director - The Planning and Community Development Director of St. Louis County, Minnesota, or authorized representative, referred to in this ordinance as "Director."

Driveway - A way not designed or intended to serve as a road; rather a driveway. Provides access for not more than two dwellings or other principal uses to a road at a density not higher than two dwellings per quarter-quarter section or government lot.

Dynamic Sign - A type of non-static outdoor sign that displays content digitally and is characterized by frequent change or activity.

Dwelling Site - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit - Any structure or portion of a structure, or other shelter designed as a short or long term living quarters for one or more persons, including rental or time share accommodations such as a motel, hotel, and resort rooms and cabins.

Earth Toned - Soft, neutral or weathered colors typically associated with forest vegetation, soil, bark or rock; principally blacks, browns, greens, and greys.

Electrical Substation - A facility consisting of electrical equipment that switches/changes and/or regulates the voltage of electricity. This assemblage of equipment is physically located on the ground and is enclosed by a fence.

Extractive Use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Feedlot - As defined or described in Minnesota Pollution Control Agency Rules, chapter 7020.

DRAFT

Floor area - Square feet of useable space on the ground floor of a structure, based on measuring the horizontal distance between external walls of the structure.

Foundation - Basements, permanent footings and walls for a structure intended to carry the weight of the structure including but not limited to masonry, concrete or treated wood.

Forest Land Conversion - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Frontage, Lot - The uninterrupted front boundary line of a parcel, or the length of such line, that abuts on a road or protected water.

Frontage, Shore - Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level of a riparian lot.

Grade - The slope of a surface, such as a parcel or road with the vertical rise or fall expressed as a percentage of horizontal distance, e.g., a 3 percent upgrade means a rise of 3 feet per 100 feet of horizontal distance.

Gravel Pit - See extractive use.

Height of Building - The vertical distance between the highest point on the roof and the lowest at the ground level where the building foundation meets the ground.

Historic site, significant - As defined or described in Minnesota Shoreland and Floodplain Management Rules section 6120.2500.

Home Business - A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ no more than five persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.

Home Occupation - A use of non-residential nature conducted entirely within the dwelling or accessory structures and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not include an operational activity that is or may be a nuisance to or otherwise incompatible with the surrounding area.

Horizontal Distance - A distance measured along a plane which is perpendicular to an axis running through the center of the earth at the point of measurement.

Impervious Surface - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios,

DRAFT

storage area, and concrete, asphalt or gravel driveways. Impervious surface calculation shall not include pervious materials that allow permeability, excluding previously noted examples.

Industrial Use - The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.

Inoperable Vehicle - A vehicle that is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission.

Interim Use - A temporary use of property until a particular date, until the occurrence of a particular event, as defined or described in Minnesota Statutes section 394.303.

Kennel - Any structure or use intended for the boarding or breeding of pets for compensation.

Livestock - Animals such as horses, cows, sheep, goats, and poultry, dogs and cats, kept for use or profit.

Lot - A 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.

Lot Coverage - Lot coverage shall include all structures and constructed impervious surfaces.

Lot of Record - A lot or parcel that has been lawfully created and recorded by the County Recorder prior to the date of enactment of this Ordinance, or amendments thereto. Leased lots or parcels on federal, state, tax forfeited or Minnesota Power lands not individually recorded by the County Recorder that have been leased out prior to the date of enactment of this Ordinance, shall also be considered a lot of record.

Lot Width - The shortest distance between lot lines measured at the midpoint of the building line.

Lot Width, Shoreland - The shortest distance between the property lines at the ordinary high water level.

Mineral Exploration - Exploratory drilling, trenching or bulk sampling of minerals.

Mitigation Measures - Methods, plans or actions taken to reduce, offset, or eliminate adverse project or structure impacts.

Mobile or Manufactured Home - As defined or described Minnesota Statutes, section 327.31.

Mobile or Manufactured Home Park - Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and

DRAFT

includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Motorized Off-Road Vehicle Facility - Any area used for motorized off-road activity that is commercial in nature.

Nonconformity - Lawful use or occupation of land or premises existing at the time of the adoption of this ordinance, as further defined or described in Minnesota Statutes, section 394.36.

Nonriparian Property - A parcel without shore frontage, but is within a shoreland district.

Ordinance - The Zoning Ordinance Number 62 of St. Louis County, Minnesota.

Ordinary High Water Level (OHWL) - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water level shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level shall be the operating elevation of the normal summer pool.

Ordinary Public View - The view seen by the naked eye from any public road or waterway or from occupied dwellings, commercial establishments, clubs, or institutions on adjacent properties. Aerial view is not to be considered public view.

Outdoor Sign - Any outdoor or indoor object, device, display or structure that is used to advertise, identify, display, direct or attract attention to a person, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Parent Parcel - A parcel of land that is at least twice the minimum lot width and area required by the Zoning Ordinance and that is of record on August 13, 2013.

Performance Standard Permit - Authorization given for a use or structure which must meet a minimum set of pre-defined standards or criteria.

Planned Development, Commercial - A use where the nature of residency is transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned developments.

Planned Development, Residential - A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, mobile or manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residence would be considered as residential planned

DRAFT

developments. Residential structures where an agent is employed to promote rental of units in a manner similar to a resort shall be considered a commercial planned development.

Planning Commission - The Planning Commission of St. Louis County, Minnesota, as created by ordinance pursuant to Minnesota Statutes, section 394.30 and all acts amendatory thereof.

Platform - A detached horizontal surface, without rails, seats, or other elevated features, that is no greater than 18 inches in height.

Practical Difficulty - As defined or described in Minnesota Statutes section 394.27 Subd. 7.

Principal Dwelling, Multiple-family - A residence designed for or occupied by two to four families, including a mobile or manufactured home, with separate housekeeping and cooking facilities for each with a sewage treatment system approved for such residences.

Principal Dwelling, Single-family - A detached residence, including a mobile or manufactured home, designed for one family only and having an approved sewage treatment system.

Principal Use or Structure - A structure or use that is the primary or predominant focus of activity on a parcel. Principal uses include such uses as a single family home, cabin, resort lodge and cabins, salvage facility storage areas, offices, and businesses.

Property Line - The boundary line between two pieces of property, including the front, rear, and side boundaries.

Public/Semipublic Use - The use of land by a public ~~organization~~ or private ~~nonprofit~~ organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

~~**Public Transportation Terminal** - A category of uses that includes, but is not limited to airports, buses, subways, trains, and trucking.~~

Public Water - Any waters as defined or described in Minnesota Statutes, section 103G.005.

Recreational Use - A category of commercial recreational uses that include, but is not limited to: fairgrounds, golf courses, hunting preserves, outdoor festivals, outdoor markets, outdoor paintball, ski hills, outdoor shooting facilities and racetracks.

Recreational Vehicle (RV) - As defined or described in Minnesota Statutes, section 327.14, Subd. 8, not to include park model trailers, manufactured and mobile homes.

Recreational Vehicle (RV) Park - As defined per Minnesota Statute, Chapter 327.14.

Remodel - An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the

structure. Remodeling of an existing structure includes, but is not limited to, one or more of the following:

A. Work performed on the interior of a structure (provided the work will not increase the number of bedrooms or increase water usage).
B. Replacement of siding, windows, doors, soffit, facia, roofing (e.g., if roofing replacement does not increase height, or increase living space) and ornamentation.
C. Addition of windows or doors.

Residential Use - A category of non-commercial uses that includes, but is not limited to: principal and accessory uses.

Resort - A commercial planned development where the primary purpose is to provide lodging and/or recreational opportunities.

Riparian Property - A lot that abuts public waters as defined by the Commissioner of Natural Resources pursuant to Minnesota Statutes, chapter 103F.

Road - A public or private way which affords primary means of access by pedestrians and vehicles to adjacent properties whether designated as a drive, easement, avenue, highway, road, boulevard, cartway or however otherwise designated.

Road, Public - A road open to public travel that is under the jurisdiction of and/or maintained by a state, county or township authority, as defined or described in Minnesota Statutes, section 160.02.

Salvage Facility - A commercial use where the salvaging, scavenging, or recycling of any goods such as motor vehicles or motor vehicle parts, appliances, batteries, tires, or general recycling of items such as aluminum cans, paper, or glass and plastic bottles is conducted.

Sauna - An accessory structure used for the sole purpose of a steam bath and change room, and/or storage of materials directly related to such activity.

Screening - The use of fences, vegetation, berms, or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

Setback - The shortest horizontal distance between a structure, sewage treatment system or principal or accessory use and an ordinary high water level, road, sewage treatment system, well, top of a bluff, property line, or other facility.

Sewage Treatment System - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as defined and regulated by the St. Louis County Ordinance 61 or its successors or replacement.

Shooting Facility - A specialized facility designed for firearms and archery practice.

DRAFT

Shore Impact Zone (SIZ) - Land located between the ordinary high water level of a public water body and a line parallel to it, at a setback of 50 percent of the structure setback, except on General Development lakes where the minimum shore impact zone shall be 50 feet.

Shoreland - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from the ordinary high water level of a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances, and when approved by the Commissioner of the Department of Natural Resources.

Shoreland Vegetation Alteration - The removal of trees, shrubs or plants in a contiguous patch, strip, row, or block in a shoreland area.

Shoreline - The shoreline is at the ordinary high water level.

Slaughterhouse - An establishment where poultry or other animals are butchered on a commercial basis.

Steep Slope - Land having an average slope over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.

Structural Dimensions - The horizontal distance between the exterior walls of a structure, and rooflines that extend beyond 3 feet.

Structure - Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable buildings, mobile or manufactured homes, signs, earth sheltered homes, and swimming pools. Fences, utility poles, lawn lights, non-commercial communication towers not containing dish antennas, non-commercial wind generating towers and related minor equipment shall not be considered structures.

Subdivision - Land that is divided for the purpose of sale, rent, or lease, including planned developments.

Town - Any town (or township), including those with the powers of a statutory city pursuant to law.

Transfer Station - A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.
Transportation Uses – A category of uses that includes, but is not limited to airports, buses, subways, trains, and trucking.
Trout Stream - A river classification to be used on all trout streams designated by the Commissioner of the Department of Natural Resources.
Unincorporated Area - That area lying outside the incorporated limits of any city.

DRAFT

II.7; III.1

Utility Facilities - Utility facilities, include but are not limited to electrical lines, wind turbines for private residential, solar panel battery or storage stations, ham radio tower, small collector wastewater treatment plants, wood boilers, communication towers or electrical substations, commercial power, steam plants, commercial wind turbine generation, wastewater treatment plant, municipal or sanitary district.

Variance - Any modification or relief from a county land use ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause practical difficulties, as defined or described in Minnesota Statutes, chapter 394.

Vehicle - A motor vehicle propelled or designed to be propelled by a motor which must be licensed or registered for use on public roads or trails, including but not limited to cars, trucks, buses, all-terrain vehicles, semi-trailer/tractors, and motorcycles. Farm machinery, farm equipment, farm implements, logging equipment, and utility vehicles not intended for use on public roads shall not be considered a vehicle.

Water-Oriented Accessory Structure - A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetlands, a Wetland, the Wetland, or Wetland Area - As defined or described in Minnesota Rules, chapter 8420.

Wood Processing Activities - A use involving mechanical equipment for the purpose of altering timber and timber by-products, such as debarking, chipping, and/or milling.

ARTICLE III DIMENSIONAL STANDARDS

Section 3.1 General Standards

This Article addresses dimensional standards. All zone districts in use shall have a dimensional standard from *Section 3.2* of this Article and a land use district from Article V. Deviation from the standards found in this Article, upon placement on the Official Zoning Map, shall require a variance approved by the St. Louis County Board of Adjustment. This Article also incorporates standards relating to on-site sewage treatment, road right-of-way setbacks, bluff area standards, significant historic sites, placement and design of roads, driveways, and parking areas, riparian and nonriparian lot size differences, mine pit lake standards, storage of structures on lots, and Lake Superior erosion hazard area. Alterations of these standards shall require a variance from the St. Louis County Board of Adjustment.

Formatted: Font: Not Bold

DRAFT

Section 3.2 Lot Dimension Tables

St. Louis County hereby establishes the following set of minimal dimensional standards that will be used in all county zone districts.

District Number	Lot Area (Acres)	Lot Width (Feet)	Max Lot Coverage (Percent)	Property Line Setback-Principal Structure (Feet)	Property Line Setback-Accessory Structure (Feet)
1	35	600	2	50	25
1a	35	1,200	2	50	25
2	17	600	2	50	25
3	9	300	10	50	25
3a	9	600	2	50	25
4	4.5	300	10	50	25
4a	4.5	400	10	50	25
5	2.5	200	25	20	10
6	2.0	200	25	20	10
7	1.0	150	25	20	10
8	1.0	200	25	20	10
9	1.0	150	25	15	10
10	2.0	200	25	15	10
11	0.5	100	25	15	10
*12	0.33	100	35	10	5
*12	0.25	75	35	10	5
~~13~~	~~2.0~~	~~200~~	~~30~~	~~25~~	~~25~~

*See special standards for the Plat of Soudan, Town of Breitung.

Formatted: Font: Not Bold

SPECIAL STANDARDS FOR THE PLAT OF SOUDAN, TOWN OF BREITUNG

Dimensional Standards

	Sewer Only	**Sewer and Water**
Minimum lot area	0.33 acre	0.16 acre
Minimum lot width	100 feet	60 feet
Maximum lot coverage	35%	35%

Structural Setback Standards

Property Line		**Shoreline**		**Shore Impact Zone**	
Principal	Accessory	Principal	Accessory	Principal	Accessory
10 feet	5 feet	75 feet	75 feet	37.5 feet	37.5 feet

Road Centerline Setback Standards

Arterial	**Collector**	**Local**	**Right-of-Way**
110 feet	85 feet	48 feet	15 feet

All new residential uses will be required to connect with public sewer and water facilities.

DRAFT

Section 3.3 River Corridor Width and Dimensional Standards

Vermilion River Corridor Width	St. Louis, Cloquet & Whiteface Rivers Corridor Width		All Other River Classes Corridor Width
500 feet	Remote, Rural Agricultural & Recreational River Classes	Primitive River Class	300 feet
	¼ mile	½ mile	

The dimensional standards within the Vermilion, St. Louis, Cloquet and Whiteface River Corridors shall be as follows:

Vermilion River	
Remote	Forested
4a	5

St. Louis, Cloquet & Whiteface Rivers			
Primitive	Remote	Rural Agricultural	Recreational
1a	2	3a	4

Section 3.4 Shore Setback and Shore Impact Zone Requirements

Unless indicated elsewhere in this ordinance, the following setbacks shall apply from protected waters or waters designated through county adopted land use plans:

Classification	Setback in feet	Shore Impact Zone in feet
Natural Environment Lakes	150	75
Recreation Development Lakes	100	50
General Development Lakes	75	50
Mine Pit Lakes	150	75
Trout Streams	150	75
DNR Remote Rivers	200	100
Forested Rivers	150	75
St. Louis County Primitive Rivers	300	150
St. Louis County Remote Rivers	200	150
St. Louis County Urban Rivers	100	75
Rural Agricultural Rivers	200	150
Recreational Rivers	150	75
All other protected lakes and rivers	100	75

Special Vermilion River Standards: *In accordance with the Vermilion River Plan as adopted by the St. Louis County Board of Commissioners, a 100 foot shore setback is permitted in the forested sections of the Vermilion River if the remote river dimensional standards are met which require 4.5 acre minimum lot size and 400 feet of width. The Director may establish procedures to implement this provision.*

The North Shore Management Plan area setback shall be 40 feet from Lake Superior Vegetation Line and 75 feet from streams that are not Trout Streams or are classified under another district.

DRAFT

Section 3.5 State Shoreland Classification and Application in County

Shoreland District Use of Lot Area Standards: The State of Minnesota has defined the shoreland area and has stipulated that certain zone districts may not be used in certain classified shoreland areas. The following table states which lot area district can be used in each of the lake and river shore classifications. St. Louis County also has developed a trout stream river classification intended to provide increased protection for that resource.

SHORELAND DISTRICT USES

District Number	Shoreland Class						
	Remote	Trout	Forest	Tributary	NE	RD	GD
1	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	No	Yes	Yes	Yes	Yes	Yes	Yes
6	No	No	No	Yes	No	Yes	Yes
7	No	No	No	Yes	No	Yes	Yes
8	No	No	No	Yes	No	Yes	Yes
9	No	No	No	Yes	No	No	Yes
10	No	No	No	No	No	No	Yes
11	No	No	No	No	No	No	Yes
12	No	No	No	No	No	No	No
13	No	No	No	No	No	No	No

Yes = District can be used in that particular river or lake class.
No = District cannot be used.
NE = Natural Environment
RD = Recreational Development
GD = General Development

DRAFT

Section 3.6 Sanitary System and Well Setbacks and Standards

A. Structure Setback from Sanitary System: All occupied structures, including accessory dwellings shall meet the minimum setback requirement of the St. Louis County sewage treatment standards.

B. Sanitary Record Review: All land use permits issued within the shoreland area and parcels of less than 2.5 acres outside the shoreland area shall have the sanitary system reviewed to determine if the proposed land use permit would adversely impact the existing sewage system or the expansion area, if required, for the sewage system.

C. Structure Setback from Wells: All occupied structures, including accessory dwellings, shall meet the minimum setback requirement of the Minnesota State Well Code.

Section 3.7 Road Right-of-Way and Road Centerline Setbacks - Road Classifications shall be determined by the appropriate road authority.

Road right-of-way setbacks shall be as listed below, or the following road centerline setbacks, whichever is greater:

Road Classification	**Centerline Setback (Feet)**	**Right-of-Way Setback (Feet)**
Arterials	110	35
Collectors	85	35
Local Public Roads*	48	15
All Other Roads not listed below*	48	15
Platted Roads with 66' ROW	48	15
Platted Roads with < 66' ROW	~~33~~n/a	~~n/a~~15 (measured from edge of road)
Private Roads ~~without ROW~~	~~33~~n/a	~~n/a~~15 (measured from edge of road)

*Local and other roads shall exclude easements or driveways that serve fewer than three dwellings or other principal uses.

The Director may permit a structure located adjacent to road right-of-way where such right-of-way is not improved and it is apparent that other access is provided and that the unimproved road right-of-way will not be opened.

Section 3.8 Bluff Area Standards

A. General Standards:
Unless other provisions have been established for specific soil conditions, the following standards shall apply in bluff areas:

1. The land must slope towards a public water.

DRAFT

2. The land must rise a minimum of 25 feet from the ordinary high water level.

3. The land has a slope of 30% but, if at any location within the slope, that percent slope becomes 18% or less over a 50 foot run, or there is an obvious break in the slope, the bluff impact zone shall not include that area.

All structures must be set back a distance of 30 feet from the top of the bluff.

B. Shallow Soils Bluff Standard:
This standard applies to a bluff where the soil depth over bedrock averages 24 inches or less. Where this condition exists, structures may be placed on the bluff at a setback from the ordinary high water level that equals 150% of the standard setback requirement, provided all of the following conditions are met:

1. The parcel shall have suitable area set aside for a sewage treatment system and, if required, expansion area.
2. Erosion control standards consistent with Soil and Water Conservation District guidelines shall be followed.
3. The shore impact zone shall be one-half the new structure setback.
4. Approved sewage treatment and, if required, expansion area exists.
5. Sufficient screening and vegetative buffer exists.

C. Areas of Special Concern:
The following geographic areas are of special concern due to highly erodible soils and sensitive fish habitat. The standards below shall apply to these areas unless the regular bluff impact zone or building setback standards result in more restrictive standards. It is not necessary for the height of the land above the water to be more than 25 feet, or for the slope to exceed 30%, for the standards that exist in *Section 3.8* to apply.

1. Lake Superior Watershed Rivers and Town of Midway Rivers: The red clay areas of the Lake Superior watershed and along the streams in the Town of Midway have been identified as having significant potential for erosion and such erosion would severely impact the streams which border these areas. Therefore, the following standards shall apply whenever they result in a greater structure setback than outlined in the general standards:
   a. The bluff impact zone shall be the vertical distance from the ordinary high water level (OHWL) inland to a point where the slope levels to 6% over a 100 foot run.
   b. The toe of the 6% slope shall serve as the point where the OHWL top of the bluff measurement shall be made.
   c. The vertical height from the OHWL to the start of the 6% slope shall be measured, and that height shall be multiplied by four. This distance shall serve as the bluff impact and shore impact zone for the purposes of vegetation removal.
   d. The principal structure setback from the top of the bluff shall be 30 feet.
   e. No water oriented accessory structures are permitted in this bluff impact zone.

DRAFT

2. St. Louis and Littlefork Rivers and Tributaries: The silt areas of glacial lakes which these rivers flow through have a high potential for soil erosion, and the following standards shall apply whenever they result in a larger bluff area than outlined in the general standards:
   a. The bluff impact zone shall be measured in the same manner as the Lake Superior watershed, except the height shall be multiplied by three. This area shall serve as the shore impact zone, but water orientated accessory structures and uses may not be placed in the area in the same manner as permitted in the general shore impact zone standards.
   b. The principal structure setback from the top of the bluff shall be 30 feet.

D. Additions to Existing Principal Structures Not Conforming to the Bluff Setback: Principal structures that meet the required setback from shoreline, but do not conform to the bluff setback, may expand with permit without limits to the size of expansion if:

1. The original structure has a minimum of 600 square feet in floor area and has never had an addition that caused the floor area to meet or exceed 600 square feet.
2. Adequate vegetative screening exists.
3. Erosion control guidelines are followed.
4. It shall be demonstrated to the county that effective erosion control measures will be taken, especially during the construction period.
5. The addition does not come within the shore impact zone or closer than twice the minimum property line setback standard.

E. If the structure is less than 600 square feet in floor area, an addition of 50% of floor area is permitted without variance provided:

1. The property line setback standards set above are followed; and
2. Erosion control measures that conform to the technical standards of the Soil and Water Conservation District are taken.

F. Accessory structures that meet the normally required setbacks, but not the bluff setback, may gain an addition, provided compliance with all other provisions in County ordinances can be demonstrated.

Section 3.9 Significant Historic Sites

No structure or use may be established within 50 feet of a platted or unplatted cemetery unless approved by the State Archaeologist. No structure or use may be placed on a significant historic site that affects the values of the site unless adequate information about the site has been obtained and documented. Nothing may be removed from a significant historic site without prior approval by the county.

DRAFT

Section 3.10 Placement and Design of Roads, Driveways and Parking Areas

All public or private roads, driveways, and parking areas must be designed to take advantage of natural vegetation to achieve maximum screening from view from public waters. They must also meet the following standards:

A. Design and construction shall minimize erosion and runoff.

B. Area available for snow storage that will not result in rapid runoff into the surface water shall be maintained. The snow storage area must be outside the structure shoreline setback area and away from bluff and steep slope areas.

C. All parking areas of over 100 spaces shall have a plan prepared to control runoff using Soil and Water Conservation District guidelines.

D. Unless intended for a water access ramp, all roads, driveways, and parking areas shall be no closer to public waters than the principal structure shoreline setback. Water access ramps shall be reviewed according to the land alteration standards in *Article VI, Section 6.16.*

E. All roads, driveways, and parking areas in bluff and steep slope areas shall be reviewed according to the land alteration standards of this ordinance.

Section 3.11 Riparian and Nonriparian Property Within Shoreland Area

Shoreland lot area requirements shall not be less than the standards for the lake classification as developed by the Department of Natural Resources. Nonriparian property within the Statutory Shoreland area shall be the lesser of twice the lot size and width for the district designated on the official zoning map or 4.5 acres, unless the zoning map designates a less restrictive standard or that the lot is solely used for accessory structures or for on-site sewage treatment.

Section 3.12 Mine Pit Lakes

Lakes that have been created as a result of cessation of mineral mining activities which result in the pits filling with ground water and surface runoff shall be placed in a zone district where the minimum setback from the potential ordinary high water level shall be not less than 150 feet. The Director, in conjunction with the Department of Natural Resources-Waters Division, shall determine the ordinary high water level with such calculation based on the height of the mine pit rim, existence of water outlets, height of ground water table, and existence of pumping.

Section 3.13 Erosion Hazard Areas-Lake Superior Shoreline

Erosion Hazard Areas have been determined by the North Shore Management Board for lands within Lakewood and Duluth Townships. The areas have been mapped by the Management Board and defined as those areas of the North Shore where the long-term average annual rate of

DRAFT

recession is one foot or greater per year. Those areas as identified must meet the following requirements:

A. The township zoning official, at the time of permitting, will notify the property owner of the restrictions of this section.

B. The burden of proof concerning the suitability of land in designated Erosion Hazard Area is the responsibility of the property owner.

C. Site development plans shall be required and approved by the township zoning official for all new construction in the Erosion Hazard Area. The site plans shall include a description of the following:

   1. Surface runoff including roof drains
   2. Subsurface runoff
   3. Vegetation removal including proposed landscaping
   4. Proposed sewage treatment systems
   5. Topography of site
   6. Structure and driveway location
   7. Potential bluff toe protection
   8. Slope alteration
   9. Other pertinent information as requested

D. The site development plan shall include setback and shoreline erosion control recommendations, and shall comply with the shoreland alteration provisions of this ordinance.

E. Structures and soil absorption areas shall be set back 125 feet from the top edge of the eroding bluff, and where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil separates and slumping begins). Sewage treatment systems shall not be located within the structure setback area. The above standard may be modified by variance if the landowner provides technical data proving a different recession rate or that the Erosion Hazard Area, although correctly estimated, can be mitigated by structural protection.

ARTICLE IV NONCONFORMITIES

Section 4.1 Specific Standards for Nonconforming Uses

A nonconforming use is a use that is not allowed within a particular land use district, but has been in existence prior to the adoption of a zoning ordinance. Uses which are not allowed in the zone district may not receive a conditional use or a variance. Nonconforming uses shall follow these standards:

DRAFT

A. Nonconforming uses may not be enlarged, increased, moved or extended to occupy a greater area of land than was occupied at the effective date of this ordinance and amendments thereto, unless specifically allowed under other provisions of this ordinance or state statute.

B. Nonconforming uses may not be changed to another nonconforming use unless specifically allowed under other provisions of this ordinance or state statute.

C. Nonconforming uses shall not be re-established if discontinued for a continuous 12 month period.

D. Nonconforming uses may add an accessory structure, provided the structure does not increase the nonconformity.

Section 4.2 Specific Standards for Conversion or Change in Use of a Nonconforming Structure

The use of a nonconforming structure may not be changed to another nonconforming use unless specifically allowed under other provisions of this ordinance or state statute. For example, a change in use of a nonconforming principal dwelling to an accessory dwelling is not allowed unless all accessory dwelling standards are met.

Section 4.3 Riparian Nonconforming Structures

An existing nonconforming principal structure may be expanded once with a performance standard permit, without variance, if no additions (not including a deck) have been added to the principal structure since the implementation date of the appropriate setback standard, and the original structure existed before setback requirements were established. The appropriate dates for the standards are found in the appendix.

A. A variance must be approved by the Board of Adjustment to expand a nonconforming structure where the structure does not conform to the dimensional standards of this ordinance unless the expansion falls within the standards found in this section.
B. Mitigation measures shall be required in areas where they are part of an adopted land use plan.
C. The general standards are as follows:

    1. Additions to structures:
        a. Existing nonconforming principal structures may be allowed one addition in accordance with the standards found in this Article, provided the addition does not increase the nonconformity. Remodeling as defined in this ordinance is exempt from these provisions.
        b. No additions shall be allowed to nonconforming accessory structures except as permitted in *Section 4.3 E. and Section 4.3 F*. of this Article.
    2. Moving Structures:

a. If a nonconforming principal structure is moved any distance whatsoever, including for the addition and/or replacement of a new permanent foundation, it shall be done in such a manner as to conform to the regulations of the district where it is relocated. However, if physical features such as wetlands or bedrock prevent full conformance, the structure shall be placed to minimize the nonconformity to the greatest extent and must meet all St. Louis County sewage treatment systems separation distances. A land use permit is required, but no variance is required.

b. Nonconforming accessory structures in shoreland districts may be moved away from the shoreline, provided the structure is moved outside the bluff and shore impact zones, and provided that no replacement or additions to the structure are made. A land use permit is required, but no variance is required.

3. Remodeling Structures:

a. A property owner may remodel a nonconforming structure in accordance with this ordinance and with state statutes.

b. Any grandfathered nonconforming structure or deck that is altered, replaced or partially replaced beyond what is allowed for remodeling shall no longer be considered grandfathered, and shall meet all standards of this ordinance except as otherwise allowed per state statute.

4. Replacement of Structures:

a. If any nonconforming structure is destroyed by fire or other peril to the extent of 50% or more of its market value, any subsequent rebuilding or replacing of the structure shall conform to the terms of this ordinance except as otherwise allowed per state statute.

D. Nonconforming Principal Structures: A nonconforming principal structure may be expanded once with a performance standard permit, without a variance, if all the following standards are met:

1. The existing principal structure (including deck) is setback from the shoreline a minimum of 25 feet or 25% of required shoreline setback, whichever is greater.

~~2. The existing principal structure meets or exceeds a ground floor area of 400 square feet and has never had an addition that caused the floor area to meet or exceed 400 square feet.~~

~~3.~~2. The existing principal structure does not encroach upon a property line or local road setback, if within the shore impact zone.

~~4.~~3. Structure width facing the water shall not exceed 40% of the lot width, if located within the shoreline setback.

~~5.~~4. The height of the proposed addition, ~~roof height increase~~ or completed principal structure, shall not exceed a total of:

a. 20 feet in height maximum if ~~all or~~ any part of the structure is within the shore impact zone.

b. 25 feet in height if ~~the entire~~ all or any part of the structure is between the shore impact zone and the required setback.

~~6.~~5. The addition will not encroach upon the septic treatment system or expansion area.

~~7.~~6. The maximum allowable addition shall be determined by the following:

a. If a structure is located between zero and 25 feet from the shoreline, no additions are allowed.
b. If a structure is located between 25 feet and the shore impact zone, an addition total of 200 square feet is allowed.
c. If a structure is located outside the shore impact zone, an addition total of 400 square feet is allowed.

~~8.~~7. The addition does not decrease the existing shoreline setback.

~~9.~~8. The color of the structure shall be unobtrusive earth toned colors.

~~10.~~9. The property owner shall develop a stormwater runoff plan so runoff does not discharge directly into lakes, rivers, streams, wetlands, or adjacent properties.

~~11.~~10. The structure shall be screened from public waters by natural means.

E. Additions or Alterations to Nonconforming Structures: A nonconforming structure that meets the shoreline setback, but does not meet property line, right-of-way and/or road centerline setbacks may be expanded ~~once~~ by land use permit without variance, and shall be restricted in the following manner:

1. If the structure is sited to equal or greater than 50% of the required setback, additions may be in any direction except toward the nonconforming setback.
2. Where the structure is sited less than 50% of the required setback, the addition shall only be in the opposite direction of the nonconforming setback.
3. Structures that become nonconforming as a result of a change in functional road class may enlarge in a manner that does not exceed the road setback standards of the original classification.

F. Nonconforming Accessory Structures: A nonconforming accessory structure (other than water oriented accessory structures) that does not meet shoreline setback may increase the structure height, but not expand the floor area or footprint, with a performance standard permit, without variance, and the following standards shall apply:

1. 20 feet in height maximum if all or part of the structure is within the shore impact zone.
2. 25 feet in height if the entire structure is between the shore impact zone and the required setback.

Section 4.4 Construction on Nonconforming Lots of Record

A. Shoreland Riparian Nonconforming Lots: Construction on shoreland riparian nonconforming lots shall meet the following additional standards:

1. Lots that do not conform to the minimum area standard are allowed a maximum building footprint of 15% of lot area.

DRAFT

2. Additions to principal or accessory structures located on nonconforming lots may be allowed provided all the minimum requirements of this ordinance can be met.
3. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following additional standards:
   a. The lot meets the following requirements for lot size and lot width listed in the following table, or unless a more restrictive requirement is required as part of an adopted river or land use plan:

Lake or River Classification	Lot Size (Acres)	Lot Size (Square Feet)	Lot Width (Feet)
Natural Environment (NE)	1.2	52,800	150
General Development (GD)	0.5	21,780	100
Recreational Development (RD)	0.6	26,136	100
Remote	0.5	21,780	150
Forested	0.5	21,780	150
Recreational	0.5	21,780	150
Agricultural	0.5	21,780	100
Tributary	0.5	21,780	100
Urban	0.5	21,780	100

   b. The lot must be connected to a public sewer, if available, or St. Louis County sewage treatment standards shall be followed.
   c. Impervious coverage of lots must not exceed 25 percent of lot area.

B. Other Considerations for Shoreland Nonconforming Contiguous Lots:
If in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the minimum lot size requirements of this ordinance, the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lots must be combined with one or more parcels of land, each meeting the requirements of this ordinance.

C. Except as noted above, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a residential dwelling at the time the lots came under common ownership and the lots are suitable for, or meet St. Louis County sewage treatment system standards, including being connected to a public sewer.

D. A single lot of record may be permitted as a buildable lot if all of the following criteria can be met:

1. The lot is a minimum of one-half acre in size with no public sewer or water.
2. The lot is a minimum of 0.33 acre in size with public sewer only.
3. The lot is a minimum of 0.16 acre in size with public sewer and water.
4. The lot shall meet the definition of a lot of record.

5. The impervious surface coverage does not exceed that which is allowed under this ordinance.
6. The lot, when created, complied with official controls in effect at the time.
7. All structure and septic system setback requirements are met.
8. St. Louis county sewage treatment standards are met.

E. A principal structure located on a lot less than one-half acre in size with no public sewer or water may be replaced, without variance, if the following criteria can be met:
1. The principal structure was located on the lot prior to the enactment of this ordinance.
2. The impervious surface coverage does not exceed that which is allowed under this ordinance.
3. The lot, when created, complied with official controls in effect at the time.
4. All structure and septic system setback requirements are met.
5. St. Louis County sewage treatment standards are met.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 4 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: Not Bold

Section 4.5 Shoreline Averaging

Regardless of the minimum shoreline setbacks set forth in Article III, a principal structure may be permitted to be set back from the shoreline a distance equal to the average shoreline setback of certain principal structures, plus 25 feet. To determine the allowable setback for a principal structure, the following method shall be used:

A. Measure the distance of the shoreline setback of all principal structures within 150 feet of each side of the subject property building site.

B. Should an undeveloped lot be encountered where there is no principal structure within the distance described in "A" above, the measured setback shall be assumed to be equal to the normally required minimum shoreline setback for the district.

C. Calculate the average principal structure setback.

D. Add 25 feet to the average setback to determine the required setback.

E. The following exceptions shall apply to shoreline averaging:

1. Shoreline averaging shall not be used for additions to structures on already developed lots. Additions shall use the standards found in this Article.
2. Shoreline averaging may only be used on lots with less than the required width for the zone district in which it is located or less than 125 feet of width on General Development Lakes.
3. The resultant structure shall not be located within the bluff or shore impact zone.

DRAFT

Section 4.6 Decks – Attached

A. Deck Additions to Structures toward Shoreline: Deck additions attached to a nonconforming principal structure and extending toward the water body may be allowed with a land use permit. An evaluation of the property must reveal that no reasonable location for a deck exists except towards the shore. The following standards shall apply:

   1. The deck shall not have side walls, or a roof. It may have railings for safety purposes.
   2. The deck shall not exceed 12 feet in depth.
   3. The closest point of the deck from the nearest ordinary high water level shall be no closer than 50% of the required setback of the zone district. If on a General Development or Recreational Development lake, and there are no water oriented accessory structures on the parcel, an attached deck may be constructed that meets the provisions of the detached deck standards found in *Article VI, Section 6.10*.
   4. Stairs and landings are considered as part of the deck.

B. Deck Additions to the Side of Structures Not Extending Closer to Shoreline: Deck additions attached to the side of nonconforming structures (not encroaching toward the water body) may be allowed with a land use permit as per the following standards:

   1. The deck shall be limited to 12 feet in width if located within the shore impact zone.
   2. The deck shall be limited to 16 feet in width if located outside the shore impact zone.
   3. The deck shall not have side walls or a roof. It may have railings for safety purposes.

C. Deck Additions to the Rear of Structures: Deck additions to the rear of nonconforming structures may be allowed as per the following:

   1. The deck shall be limited to 16 feet in width if located within the shore impact zone.
   2. There are no restrictions as to depth outside the shore impact zone, but the deck must meet the property line setback and shall not have side walls or a roof. It may have railings for safety purposes.
   3. For nonconforming structures on riparian lots, the front of the structure is generally considered to be that part of the structure facing the shoreline.

Section 4.7 Natural Disaster

A. Nonconforming structures, and structures on nonconforming lots, damaged by more than 50% of estimated market value in a natural disaster including floods, storms, or fires may be replaced with a land use permit, without a variance, if the following standards are met:

   1. Efforts shall be made to bring the new structure into compliance with the zoning standards.
   2. The replacement structure does not increase the nonconformity greater than what existed prior to the natural disaster.

DRAFT

3. The property owner shall put in place effective erosion control measures that limit runoff into adjacent waters or properties.
4. If vegetation in the shore impact zone is disturbed, a plan for re-vegetation of the shore impact zone shall be developed, approved by the Director and implemented.
5. St. Louis County sewage treatment standards shall be followed.
6. The replacement structure must be in compliance with St. Louis County floodplain regulations.
7. The replacement structures may utilize addition size standards based on Article IV.
8. The provisions of Minnesota Statutes, section 394.36 are followed.

B. Determination of Natural Disaster: This section shall be in effect by Natural Disaster declaration by the Governor or President. The County Board may, by resolution, define the geographic area.

C. Application Process: A person using this provision shall obtain a land use permit, and they shall have 180 days from the date when the property is damaged to make application for a permit. A permit issued under this provision shall be in effect for two years, during which time substantial construction must begin, with the Director being allowed to grant extensions.

D. Variance Process: Nothing in this section shall prohibit a person from making an application for a variance.

ARTICLE V LAND USE CONTROLS

Section 5.1 Zone District Establishment

All zone districts within St. Louis County shall have a dimensional standard from Article III and a land use district set forth in this Article. The land use and dimensional districts are based on the Minnesota State Shoreland Regulations (Citation Rule Number 6120), Comprehensive Land Use Plan of the county (St. Louis County Ordinance #27), and the purpose statement of each land use district. The dimensional standards will be identified by a number on the zoning map in accordance with the district number found in Article III. The land use district will be identified by an abbreviation.

Section 5.2 Land Use District Titles

The following shall be the titles of the land use districts used within the county and the abbreviation for the district which will be found on the zoning map:

Ordinance 46 Zone District:	Ordinance 62 Zone District:
COM-Nonshoreland Commercial	COM-Commercial
SCO-Shoreland Commercial	*See LCO*

DRAFT

FAM-Forest Agricultural Management	FAM-Forest Agricultural Management
IND-Industrial	IND-Industrial
LCO-Lakeshore Commercial Overlay	LCO-Lakeshore Commercial Overlay
LSO-Lake Superior Overlay	LSO-Lake Superior Overlay
LIU-Limited Industrial	LI-Limited Industrial
MUNS-Multiple Use Nonshoreland	MU-Multiple Use
SMU-Shoreland Mixed Use	SMU-Shoreland Multiple Use
RES-Residential	RES-Residential
SENS-Sensitive Areas	SENS-Sensitive Areas
	CLOD-Closed Landfill Overlay District

Section 5.3 Land Use Classification

A. **Purpose Statement**: Provides guidance on the use of the zone district. The district shall not be used contrary to the purpose of the district or in conflict with state statutes, regulations or adopted plans.

B. **Allowed Uses**: These uses are allowed with no permit required, with a land use permit required or with performance standard permit required, provided all administrative standards found in this ordinance are being followed. *See Article VI for administrative and performance standards*. Additional uses may be allowed upon interpretation of the Director, if similar to the listed uses and the purpose statement of that district. If the standards cannot be met, the use may still be allowed through the variance ("V") or conditional use ("C") process, depending upon the nature of the non-compliance with the standards identified by a "C" or "V" in the ordinance. All allowed uses require a land use permit unless exempted in *Article II, Section 2.4*.

C. **Not Allowed**: These uses are not allowed through standard permit, performance standard permit, the conditional use process or by variance.

D. **Interim Use Permits**: These uses are allowed through an interim use permit and require approval by the Planning Commission in accordance with the criteria set forth in this ordinance.

E. **Conditional Use Permits**: These uses are allowed through a conditional use permit and require approval by the Planning Commission in accordance with the criteria set forth in this ordinance. Uses other than those listed may be permitted through the conditional use process if similar to the uses listed under the performance standard or conditional use standard of that zone district, and consistent with the purpose of that district:

1. All land use districts permit accessory structures related to the principal structure, but in designated circumstances, performance standards or a conditional use permit may be required.
2. All land use districts, except industrial (IND), allow mineral evaluation and exploration as a conditional use. The industrial zone district allows mineral evaluation and exploration without a permit.

DRAFT

3. All land use districts allow other uses similar to those listed and in keeping with the intent of the district.

Section 5.4 Land Use Districts Purpose Statements

A. **Forest Agricultural Management District (FAM)** This district is intended to recognize and promote the development of the county's forestry and agricultural industry and to encourage recreational use of such areas. This district is typically used in areas with land developed at very low densities and often there is considerable government and corporate ownership. A low level of development is important in areas where this district is used since the uses encouraged in this district would be less compatible in a more urban setting.

B. **Multiple Use (MU)** This district is intended to accommodate a wide range of uses, if properly sited, in the rural areas of St. Louis County, due to the low density of development.

C. **Shoreland Multiple Use (SMU)** This district is intended to provide a balance between lake and river use and the water resources by allowing a wide range of uses that are consistent with adjacent land uses and the recreational and natural attributes of the water body.

D. **Residential (RES)** This district is intended to be used in those areas of the county with extensive or the potential for extensive residential development. This district shall be used to promote a high quality residential living environment where non-residential uses are restricted. This district may be used in shoreland and nonshoreland areas that are typically platted, or, if not platted, have a development density of dwellings of more than one dwelling per 300 lineal feet of lot frontage.

E. **Commercial (COM)** This district is established to direct intense and varied commercial development to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses.

F. **Sensitive Areas (SENS)** This district is established to protect significant areas of St. Louis County that are unsuitable for intensive development due to wetlands, steep slopes, flooding, inadequate drainage, hazardous waste sites, areas highly susceptible to groundwater contamination, significant wildlife habitat areas, severe erosion potential, or other features likely to be harmful to the community if development is not properly managed in these areas.

G. **Industrial (IND)** This district is intended to encourage the development of heavy industry in the county by providing appropriate locations for such activities. The district should always be located in an area and manner which will ensure the most effective and beneficial impact to the county. This district shall not be used in any shoreland district.

DRAFT

H. **Limited Industrial (LI)** This district is designed to accommodate those industrial and manufacturing uses that foster orderly economic growth, without adversely affecting the residential and recreational character of the surround area, by imposing performance standards, additional standards through conditional use review or by prohibiting a use. This district may be used in a shoreland area if permitted by an adopted land use plan.

I. **Lake Superior Overlay (LSO)** It is the intention of this overlay to allow limited expansion of certain waterfront commercial activities, while safeguarding residential lifestyles and property values. This overlay applies only to those areas near Lake Superior and specified in the adopted land use plan where it has been determined that nodes of residential and commercial land uses coexist, with neither being the predominant use.

J. **Lakeshore Commercial Overlay District (LCO)** This overlay district is intended to outline areas on lakes where water related commercial activities are located and to identify the wide range of uses allowed within the overlay and what type of permitting is necessary. It is also intended to direct water oriented commercial uses to appropriate locations on the county's Recreational and General Development lakes and along the county's rivers. This district shall not be used along trout streams and other rivers with natural environment characteristics or Natural Environment lakes.

K. **Closed Landfills and Dumpsites Overlay District (CL 400 FT/CL 1,000 FT)** This overlay district is intended to place standards for development near closed landfills as designated by the Minnesota Pollution Control Agency. The standards are intended to provide notice of closed landfills to the public and to provide standards regarding activity in and around such landfills as per state statute.

Section 5.5 Use Classification Definitions:

A. **Agricultural Use – Class I** – A category of uses that includes, but is not limited to: production of bees, crops, fish, livestock, horses, pets, poultry, and the breeding and grazing of animals for personal use and/or consumption.

B. **Agricultural Use – Class II** – A category of uses that includes, but is not limited to: commercial production, sale or lease, of animals, crops (plants) and the breeding and grazing of animals.

C. **Commercial, Retail and Service Establishments – Class I** – A category of uses that includes, but is not limited to: bakeries, bed and breakfast inns, berry farms, car and small engine repair, carwash facilities, coffee shops, day care centers, financial services banks/credit unions, fitness centers, gas station/convenience stores, and hardware stores.

D. **Commercial, Retail and Service Establishments – Class II** – A category of uses that includes, but is not limited to: clinics and other medical facilities, dog kennels, dog parks/training including outdoors, dog sled outfitting, garden centers/greenhouses, gift

DRAFT

shops, grocery stores/food co-ops, horse boarding/training, hotels/motels, indoor shooting ranges, liquor sales or micro-breweries, marinas, marine sales and service, meat processing including wild game, mini-storage, outfitting, pet services, professional offices (e.g. finance, insurance, real estate, internet sales), restaurants, and seasonal produce stands.

E. **Commercial, Retail and Service Establishments – Class III** – A category of uses that includes, but is not limited to: adult uses, car sales, data centers, farm implement sales, furniture stores, large general merchandise stores, publishing/printing, and truck stops.

F. **Extractive Use – Class I (Public Works projects)** – A category of uses that includes, but is not limited to, short term extraction of earthen or aggregate materials such as peat, gravel or soil for projects by township, county, state or federal government.

G. **Extractive Use – Class II (General Purpose)** – A category of uses that includes, but is not limited to the extraction of earthen or aggregate materials such as peat, gravel or soil for projects by non-governmental entities.

H. **Industrial Use – Class I** – A category of uses that includes, but is not limited to: recycling centers and transfer stations.

I. **Industrial Use – Class II** – A category of uses that includes, but is not limited to: bulk tank storage, crematories, factories, general wholesaling, heavy equipment businesses, industrial parks, junk/salvage facilities, land application of sewage, permanent wood processing, septic tank pumping businesses, storage and warehousing, and transformer/pole yards.

J. **Industrial Use – Class III** – A category of uses that includes, but is not limited to: biomass production plants, feedlots (as defined per MN Statute), landfills, mining, petroleum refining, slaughterhouses, smelting, and stockyards.

K. **Mineral Exploration and Evaluation** – A category of uses that includes, but is not limited to: exploratory drilling, trenching and bulk sampling of minerals.

L. **Outdoor Signs** – A category of uses that includes, but is not limited to: any outdoor object, device, display or structure that is used to: advertise, identify, display, direct or attract attention to a person, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

M. **Planned Development – Class I (Residential)** – A category of uses that includes, but is not limited to: condos, single family dwelling (SFD) units (five or more units or sites), and townhomes.

DRAFT

N. **Planned Development – Class II (Commercial)** – A category of uses that includes, but is not limited to: apartment buildings, campgrounds, condos, mobile or manufactured home parks, resorts, RV parks, SFD rental units (five or more units or sites), and townhomes.

O. **Public/Semi-Public Use** – A category of uses that includes, but is not limited to: licensed assisted living facilities, cemeteries, licensed treatment centers, churches, community centers, event centers, fire departments, hospitals, libraries, museums, licensed nursing homes, parks, police stations, postal facilities, public parking facilities, public works facilities, recreation facilities (e.g. ball fields, tennis courts), rest areas, scenic overlooks, schools, town halls, trails (e.g. biking, hiking, skiing, snowmobiling, ATV, multi-purpose), and wild animal centers (e.g. wolf, bear).

~~P. **Public Transportation Terminals** – A category of uses that includes, but is not limited to: airports, buses, subways, and commuter trains.~~

~~Q.~~P. **Recreational Use – Class I** – A category of commercial recreational uses that includes, but is not limited to: fairgrounds, golf courses, hunting preserves, outdoor festivals, outdoor markets, outdoor paintball facilities, and ski hills.

~~R.~~Q. **Recreational Use – Class II** – A category of commercial recreational uses that includes, but is not limited to: outdoor shooting facilities, motorized off road vehicle facilities and racetracks.

R. **Residential Use** – A category of uses that includes, but is not limited to: hunting shacks, residential dwellings (less than five units or sites), seasonal residences and accessory dwellings and structures.

S. **Transportation – Class I** – A category of uses that includes, but is not limited to: private airports, or other private transportation related uses for personal use.

Formatted: List Paragraph, No bullets or numbering

~~S.~~T. **Transportation – Class II (Public Transportation Terminals)** – A category of uses that includes, but is not limited to: commercial airports, buses, subways, commuter trains and other commercial transportation related uses.

Formatted: List Paragraph, No bullets or numbering

~~T.~~U. **Utility Facilities – Class I** – A category of uses that includes, but is not limited to: electrical lines, fuel tanks, ham radio towers, outdoor wood boilers, small collector wastewater treatment plants, solar panel battery or storage stations for private residential use, and wind turbines for private residential use.

~~U.~~V. **Utility Facilities – Class II** – A category of uses that includes, but is not limited to: electrical substations, communication towers, and wastewater treatment plants (municipal or sanitary districts).

DRAFT

~~V.~~W. **Utility Facilities – Class III** – A category of uses that includes, but is not limited to: commercial power plants, commercial steam plants, commercial wind turbine and generation plants and commercial solar utility facilities.

Section 5.6 Land Use Districts

A. **FOREST AGRICULTURAL MANAGEMENT DISTRICT (FAM)**
   1. **Allowed - No Permit Required**:
      a. Agricultural Use – Class I
      b. Agricultural Use – Class II
      c. Utility Facilities – Class I
   2. **Allowed – Land Use Permit Required**:
      a. Residential Use
      b. Outdoor Signs
   3. **Allowed – Performance Standard Permit Required:**
      a. Extractive Use – Class I (Public Works projects)
      b. Industrial Use – Class I
      ~~b.~~c. Transportation – Class I
      ~~c.~~d. Utility Facilities – Class II
   4. **Allowed – Interim Use Permit Required**:
      a.
   5. **Allowed – Conditional Use Permit Required**:
      a. Commercial, Retail and Service Establishments – Class I
      b. Commercial, Retail and Service Establishments – Class II
      c. Commercial, Retail and Service Establishments – Class III
      d. Extractive Use – Class II (General Purpose)
      e. Industrial Use – Class II
      f. Industrial Use – Class III
      g. Mineral Exploration and Evaluation
      h. Planned Development – Class I (Residential)
      i. Public/Semi-Public Use
      j. ~~Public Transportation Terminals~~ Recreational Use – Class I
      k. Recreational Use – Class II
      l. Recreational Use – Class III
      ~~l.~~m. Transportation – Class II
      ~~m.~~n. Utility Facilities – Class III
   6. **Not Allowed**:
      a. Planned Development – Class II (Commercial)

B. **Multiple Use (MU)**
   1. **Allowed – No Permit Required**:
      a. Agricultural Use – Class I
      b. Agricultural Use – Class II
      c. Utility Facilities – Class I

DRAFT

2. **Allowed – Land Use Permit Required**:
   a. Residential Use
   b. Outdoor Signs
3. **Allowed – Performance Standard Permit Required**:
   a. Extractive Use – Class I (Public Works projects)
   b. Industrial Use – Class I
   ~~b.~~c. Transportation – Class I
   ~~c.~~d. Utility Facilities – Class II
4. **Allowed-Interim Use Permit Required**:
   a.
5. **Allowed – Conditional Use Permit Required**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Commercial, Retail and Service Establishments – Class II
   c. Commercial, Retail and Service Establishments – Class III
   d. Extractive Use – Class II (General Purpose)
   e. Industrial Use – Class II
   f. Mineral Exploration and Evaluation
   g. Planned Development – Class I (Residential)
   h. Planned Development – Class II (Commercial)
   i. Public/Semi-Public Use
   j. ~~Public Transportation Terminals~~ Recreational Use – Class I
   k. Recreational Use – Class II
   l. Recreational Use – Class III
   ~~l.~~m. Transportation – Class II
   ~~m.~~n. Utility Facilities – Class III
6. **Not Allowed**:
   a. Industrial Use – Class III

C. **Shoreland Multiple Use (SMU)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
   b. Utility Facilities – Class I
2. **Allowed-Land Use Permit Required**:
   a. Residential Use
   b. Outdoor Signs
3. **Allowed-Performance Standard Permit Required**:
   a. Extractive Use – Class I (Public Works projects)
   b. Industrial Use – Class I
   ~~b.~~c. Transportation – Class I
   ~~c.~~d. Utility Facilities – Class II
4. **Allowed-Interim Use Permit Required**:
   a.
5. **Allowed-Conditional Use Permit Required**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Commercial, Retail and Service Establishments – Class II

DRAFT

c. Extractive Use – Class II (General Purpose)
d. Mineral Exploration and Evaluation
e. Planned Development – Class I (Residential)
f. Planned Development – Class II (Commercial)
g. Public/Semi-Public Use
h. Recreational Use – Class I

6. **Not Allowed**:
   a. Agricultural Use – Class II
   b. Commercial, Retail and Service Establishments – Class III
   c. Industrial Use – Class II
   d. Industrial Use – Class III
   ~~e. Public Transportation Terminals~~
   e. Recreational Use – Class II
   f. Transportation – Class II
   g. Utility Facilities – Class III

D. **Residential (RES)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
   b. Utility Facilities – Class I
2. **Allowed-Land Use Permit Required**:
   a. Residential Use
   b. Outdoor Signs
3. **Allowed-Performance Standard Permit Required**:
   a. Agricultural Use – Class II
   b. Extractive Use – Class I (Public Works projects)
   c. Industrial Use – Class I
   d. Utility Facilities – Class II
4. **Allowed-Interim Use Permit Required:**
   a.
5. **Allowed-Conditional Use Permit Required**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Mineral Exploration and Evaluation
   c. Planned Development – Class I (Residential)
   d. Public/Semi-Public Use
   ~~d.~~e. Transportation – Class I
   ~~e.~~f. ~~Public Transportation Terminals~~ Transportation Class II
6. **Not Allowed**:
   a. Commercial, Retail and Service Establishments – Class II
   b. Commercial, Retail and Service Establishments – Class III
   c. Extractive Use – Class II (General Purpose)
   d. Planned Development – Class II (Commercial)
   e. Industrial Use – Class II
   f. Industrial Use – Class III
   g. Recreational Use – Class I

DRAFT

h. Recreational Use – Class II
i. Utility Facilities – Class III

E. **Commercial (COM)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
   b. Agricultural Use – Class II
   c. Utility Facilities – Class I
2. **Allowed-Land Use Permit Required**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Commercial, Retail and Service Establishments – Class II
   c. Commercial, Retail and Service Establishments – Class III
   d. Outdoor Signs
3. **Allowed-Performance Standard Permit Required**:
   a. Extractive Use – Class I (Public Works projects)
   b. Industrial Use – Class I
4. **Allowed-Interim Use Permit Required**:
   a.
5. **Allowed-Conditional Use Permit Required**:
   a. Extractive Use – Class II (General Purpose)
   b. Recreational Commercial Use – Class I
   c. Industrial Use – Class II
   d. Mineral Exploration and Evaluation
   e. Planned Development – Class I Residential
   f. Planned Development – Class II Commercial
   g. Public/Semi-Public Use
   h. ~~Public Transportation Terminals~~ Residential Use
   i. ~~Residential Use~~ Transportation – Class I
   ~~i.~~j. Transportation – Class II
   ~~j.~~k. Utility Facilities – Class II
6. **Not Allowed**:
   a. Recreational Use – Class II
   b. Industrial Use – Class III
   c. Utility Facilities – Class III

F. **Sensitive Areas (SENS)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
   b. Utility Facilities – Class I
2. **Allowed-Land Use Permit Required**:
   a. Outdoor Signs
3. **Allowed-Performance Standard Permit Required**:
   a. Extractive Use – Class I (Public Works projects)
4. **Allowed-Interim Use Permit**:
   a.

DRAFT

5. **Allowed-Conditional Use Permit Required**:
   a. Agricultural Use – Class II
   b. Extractive Use – Class II (General Purpose)
   c. Industrial Use – Class I
   d. Mineral Exploration and Evaluation
   e. Public/Semi-Public Use
   f. Residential Use
   g. Utility Facilities – Class II
6. **Not Allowed**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Commercial, Retail and Service Establishments – Class II
   c. Commercial, Retail and Service Establishments – Class III
   d. Industrial Use – Class II
   e. Industrial Use – Class III
   f. Planned Development – Class I (Residential)
   g. Planned Development – Class II (Commercial)
   h. ~~Public Transportation Terminals~~ Recreational Use – Class I
   i. Recreational Use – Class II
   j. ~~Recreational Use – Class II~~ Transportation – Class I
   ~~j.~~k. Transportation – Class II
   ~~k.~~l. Utility Facilities – Class III

G. **Industrial (IND)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
   b. Agricultural Use – Class II
   c. Industrial Use – Class III
   d. Mineral Exploration and Evaluation
2. **Allowed-Land Use Permit Required**:
   a. Outdoor Signs
3. **Allowed-Performance Standard Permit Required**:
   a. Extractive Use – Class I (Public Works projects)
   b. Extractive Use – Class II (General Purpose)
   ~~b.~~c. Transportation – Class I
4. **Allowed- Conditional Use Permit Required**:
   a. Industrial Use – Class I
   b. Industrial Use – Class II
   c. Utility Facilities – Class I
   d. Utility Facilities – Class II
   e. Utility Facilities – Class III
5. **Not Allowed**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Commercial, Retail and Service Establishments – Class II
   c. Commercial, Retail and Service Establishments – Class III
   d. Planned Development – Class I (Residential)

DRAFT

e. Planned Development – Class II (Commercial)
f. Public/Semi-Public Use
g. ~~Public Transportation Terminals~~ Recreational Use – Class I
h. Recreational Use – Class II
i. ~~Recreational Use – Class II~~ Transportation – Class II
j. Residential Use

H. **Limited Industrial (LI)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
   b. Agricultural Use – Class II
   c. Utility Facilities – Class I
2. **Allowed-Land Use Permit Required**:
   a. Outdoor Signs
3. **Allowed-Performance Standard Permit Required**:
   a. Extractive Use – Class I (Public Works projects)
   b. Industrial Use – Class I
   c. Industrial Use – Class II
   ~~c.~~d. Transportation – Class I
   ~~d.~~e. Utility Facilities – Class II
4. **Allowed-Interim Use Permit Required**:
   a.
5. **Allowed-Conditional Use Permit Required**:
   a. Commercial, Retail and Service Establishments – Class III
   b. Extractive Use – Class II (General Purpose)
   c. Industrial Use – Class III
   d. Mineral Exploration and Evaluation
   e. Public/Semi-Public Use
   f. ~~Public Transportation Terminals~~ Recreational Use – Class I
   g. ~~Recreational Use – Class I~~ Transportation – Class II
   h. Utility Facilities – Class III
6. **Not Allowed**:
   a. Commercial, Retail and Service Establishments – Class I
   b. Commercial, Retail and Service Establishments – Class II
   c. Planned Development – Class I (Residential)
   d. Planned Development – Class II (Commercial)
   e. Recreational Use – Class II
   f. Residential Use

I. **Lake Superior Overlay (LSO)**
1. **Allowed-No Permit Required**:
   a. Agricultural Use – Class I
2. **Allowed-Land Use Permit Required**:
   a. Residential Use
3. **Allowed-Performance Standard Permit Required**:

DRAFT

a. Commercial, Retail and Service Establishments – Class I
b. Industrial Use – Class I
c. Outdoor Signs
d. Utility Facilities – Class I

4. **Allowed-Interim Use Permit Required:**
   a.
5. **Allowed-Conditional Use Permit Required**:
   a. Agricultural Use – Class II
   b. Commercial, Retail and Service Establishments – Class II
   c. Mineral Exploration and Evaluation
   d. Planned Development – Class I (Residential)
   e. Planned Development – Class II (Commercial)
   f. Public/Semi-Public Use
   g. ~~Public Transportation Terminals~~ Transportation – Class I
   ~~g.~~h. Transportation – Class II
   ~~h.~~i. Utility Facilities – Class II
6. **Not Allowed**:
   a. Commercial, Retail and Service Establishments – Class III
   b. Extractive Use – Class I (Public Works projects)
   c. Extractive Use – Class II (General Purpose)
   d. Industrial Use – Class II
   e. Industrial Use – Class III
   f. Recreational Use – Class I
   g. Recreational Use – Class II
   h. Utility Facilities – Class III

J. **Lakeshore Commercial Overlay District (LCO)**
(If allowed, refer to underlying zone district for type of permit required.)

1. **Allowed**:
   a. Agricultural Use – Class I
   b. Agricultural Use – Class II
   c. Commercial, Retail and Service Establishments – Class I
   d. Extractive Use – Class I (Public Works projects)
   e. Industrial Use – Class I
   f. Residential Use
   g. Outdoor Signs
   h. Utility Facilities – Class I
2. **Allowed-Interim Use Permit Required**:
   a.
3. **Allowed-Conditional Use Permit Required**:
   a. Commercial, Retail and Service Establishments – Class II
   b. Extractive Use – Class II (General Purpose)
   c. Industrial Use – Class II
   d. Mineral Exploration and Evaluation
   e. Planned Development – Class I (Residential)

DRAFT

f. Planned Development – Class II (Commercial)
g. Public/Semi-Public Use
h. ~~Public Transportation Terminals~~ Recreational Use – Class I
i. ~~Recreational Use – Class I~~ Transportation – Class I
~~i.~~j. Transporation – Class II
~~j.~~k. Utility Facilities – Class II

4. **Not Allowed**:
   a. Recreational Use – Class II
   b. Commercial, Retail and Service Establishments – Class III
   c. Industrial Use – Class III
   d. Utility Facilities – Class III

K. **Closed Landfills – within 400 Feet**
1. **Allowed-Performance Standard Permit Required**:
   a. Outdoor Signs
2. **Allowed-Conditional Use Permit Required**:
   a. Utility Facilities – Class I
   b. Utility Facilities – Class II
   c. Utility Facilities – Class III
3. **Not Allowed**:
   a. Agricultural Use – Class I
   b. Agricultural Use – Class II
   c. Commercial, Retail and Service Establishments – Class I
   d. Commercial, Retail and Service Establishments – Class II
   e. Commercial, Retail and Service Establishments – Class III
   f. Extractive Use – Class I (Public Works projects)
   g. Extractive Use – Class II (General Purpose)
   h. Industrial Use – Class I
   i. Industrial Use – Class II
   j. Industrial Use – Class III
   k. Mineral Exploration and Evaluation
   l. Planned Development – Class I (Residential
   m. Planned Development – Class II (Commercial)
   n. Public/Semi-Public Use
   o. ~~Public Transportation Terminals~~ Recreational Use – Class I
   p. Recreational Use – Class II
   q. ~~Recreational Use – Class II~~ Transportation – Class I
   ~~q.~~r. Transportation – Class II
   ~~r.~~s. Residential Use
   ~~s.~~t. Wells

L. **Closed Landfills – 401 – 1,000 Feet**
1. **Allowed-Land Use Permit Required**:
   a. Outdoor Signs
2. **Allowed-Performance Standard Permit Required**:

DRAFT

a. Extractive Use – Class I (Public Works projects)
b. Extractive Use – Class II (General Purpose)
c. Mineral Exploration and Evaluation

3. **Allowed-Conditional Use Permit Required**:
   a. Utility Facilities – Class I
   b. Utility Facilities – Class II
   c. Utility Facilities – Class III
4. **Not Allowed**:
   a. Agricultural Use – Class I
   b. Agricultural Use – Class II
   c. Commercial, Retail and Service Establishments – Class I
   d. Commercial, Retail and Service Establishments – Class II
   e. Commercial, Retail and Service Establishments – Class III
   f. Industrial Use – Class I
   g. Industrial Use – Class II
   h. Industrial Use – Class III
   i. Planned Development – Class I (Residential)
   j. Planned Development – Class II (Commercial)
   k. Public/Semi-Public Use
   l. ~~Public Transportation Terminals~~ Recreational Class I
   m. Recreational Use – Class II
   n. ~~Recreational Use – Class II~~ Transportation – Class I
   o. Transportation – Class II
   p~~o~~. Residential Use

Article VI ADMINISTRATIVE, PERFORMANCE AND CONDITIONAL USE STANDARDS

Section 6.1 General

A. The following shall apply for all standards addressed in this article:

1. All administrative standards found in this Article shall be followed for all uses or structures.
2. If a use requiring administrative or performance standards cannot meet the standards contained in this article, or the applicant does not wish to follow those standards, the use may then be reviewed as a conditional use or variance, subject to additional or alternative conditions, or denial, in accordance with the criteria found in this ordinance.
3. The ordinance states what permit is needed by identifying, at the end of a section, a "C" or "V." A "C" means that an applicant shall apply for a conditional use from the Planning Commission, and a "V" means the applicant shall apply for a variance from the Board of Adjustment.

DRAFT

4. Every land use permit issued shall be conditioned upon the proposed development being in full compliance with the terms of the specified standards. Failure to comply with the terms of the permit shall result in the Director revoking the permit.
5. Uses that are listed as a conditional use in the zone district and where standards are found in this section shall utilize the standards in this section as minimum standards. The Planning Commission may require additional standards as part of the review process.
6. Uses that require performance standards that are considered as a conditional use or variance will have the standards contained in this section as a guide to the Planning Commission or Board of Adjustment in their review. If the commission or board does not specifically alter the particular performance standard, the standard shall be considered as a condition of the permit, regardless of whether the standard is specifically identified on the permit.

Section 6.2 Residential Administrative Standards "V"

A. **No Permit Required: Access**: For any structure that is erected, altered in its exterior dimensions, or moved, it is the responsibility of the applicant to obtain and demonstrate proof of legal access to the property where the structure is located. The Director may waive this requirement if clear legal access is evident.

   Authorization for driveway or private road access to any parcel or lot from any public roadway shall be obtained from the appropriate road authority. Occupied homes shall meet the following standards if proof of legal access to the property where the structure is located cannot be demonstrated:

   1. Any access to the property shall be maintained without public expense, except insofar as maintenance at public expense is already provided or may be provided in the sole discretion of the governing board having authority to provide such public maintenance.
   2. The owner, his heirs, successors or assigns, shall not require public school bus service or reimbursement for private transportation of school children to any point closer than such services exist at the time or as they may be extended in the sole discretion of the appropriate governing body.
   3. An agreement shall be signed by the owner and filed with the Director, who shall record the same with the County Recorder, waiving the services and rights described above and agreeing to accept the responsibilities and burdens outlined above, which shall be binding on the owner, his heirs, successors, assigns, employees and agents.
   4. The property owner shall comply with all other county official controls, including subdivision, zoning, sanitary, and rural addressing ordinance.

B. **Permit Required: Detached Residential Principal Dwellings**: More than one and up to four detached residential principal dwellings are allowed with a land use permit on a single parcel if the following standard is met:

DRAFT

1. There is sufficient lot area per structure to equal the minimum dimensional standard required in *Article III* and St. Louis County sewage treatment standards, and the structures are placed so the property can be divided at a later date into conforming lots, without variance.

C. **Permit Required: Attached Residential Principal Dwellings**: More than one, and up to four attached residential principal dwellings are allowed with a land use permit if the following standards are met:

1. There is sufficient lot area per unit to equal the minimum dimensional standard required in *Article III* (e.g. if the parcel under consideration is located in District Number 3 which requires a 9 acre minimum lot area, a three unit attached housing structure, if allowed under the land use district, would be required to have 27 acres and 900 feet in lot width). Dwellings located on Natural Environment Lakes shall be set back at least 200 feet from the ordinary high water level and meet the other standards of the State Shoreland Regulations.
2. The required property line setback shall be a minimum of 40 feet, or the zone district requirement for principal structures, whichever is more restrictive.
3. The parcel shall not be divided or reduced in a manner that would result in the standards above not being followed.

Section 6.3 Recreational Vehicles Administrative Standards "V"

A. **No Permit Required**: Recreational vehicles and other camping are allowed on parcels without a permit provided the following standards are met:

1. There shall be no more than one recreational vehicle per parcel, per zone district requirements for principal uses.
2. The recreational vehicle shall have a current motor vehicle license.
3. All recreational vehicles shall meet the principal structure setback requirements of the zone district in which they are located.
4. Vegetative removal and shoreland alteration standards shall be followed.
5. St. Louis County sewage treatment standards shall be followed.

If the above standards are not met, the applicant shall apply for the appropriate land use permits from the county.

B. **Permit Required**:
A land use permit shall be required for recreational vehicles located on parcels that have sole access by water.

C. **Not Allowed**:
Recreational vehicles shall not be allowed on parcels that are or have been improperly created.

DRAFT

Section 6.4 Roads, Driveways and Parking Areas Administrative Standards "V"

A. **No Permit Required**: No permit shall be required for roads, driveways and parking areas if the following standards are met:

1. Setbacks: Private roads and parking areas shall meet the principal structure setback of the zone district in which they are located. Private roads and parking areas may be located with a reduced property line setback if there is agreement amongst all affected parties.
2. Driveways: Driveways shall meet the accessory structure setback of the zone district in which they are located in, unless there is agreement amongst all affected parties allowing a reduced property line setback, or if an entrance or driveway access permit issued by the appropriate road authority requires a reduced property line setback.
3. Water Access Only Parcels: Newly created water access only parcels shall provide, in writing, verification of water access and parking area.
4. Wetland Impact: Wetland impacts for private roads, driveways and parking areas shall be avoided. Approval to impact wetlands shall be obtained from St. Louis County prior to construction of any private roads, driveways or parking areas where wetlands cannot be avoided.
5. Adjacent Properties: Roads, driveways and parking areas shall not impede drainage from adjacent properties.
6. Parking Area: There shall be sufficient suitable off street parking area for all newly created buildable lots and parcels, meeting all required setbacks to accommodate each use (e.g. boat trailers and motorized vehicles).
7. Snow Removal: There shall be sufficient area available for snow storage that will not result in rapid runoff into surface waters or adjacent properties.

Section 6.5 Roads, Driveways, and Parking Areas in Shoreland Areas Administrative Standards "V"

A. **No Permit Required**: No permit shall be required for roads, driveways and parking areas in shoreland areas if the following standards are met:

1. Design: Private roads, driveways, and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They shall be designed and constructed to minimize and control erosion to public waters. The provisions of the land alteration standards and stormwater standards of this ordinance shall be followed.
2. Shoreline setback, shore impact zone and bluffs: Roads, driveways, and parking areas shall meet the principal structure shoreline setback of the lake or river classification they are located in. Roads, driveways, and parking areas shall not be placed within shore impact zones, bluffs or bluff impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, land alteration, stormwater and shoreline vegetation alteration standards shall be met.

DRAFT

Section 6.6 Riparian Parking for Water Access Parcels Performance Standards "C"

A. **Permit Required:** All riparian parking areas shall require a performance standard permit. This permit may be combined with a land alteration permit. The following standards shall apply:

1. Existing parcels of any size may be used for water access. Any newly created parcels shall meet zoning and subdivision standards.
2. Water oriented accessory structures, including boathouses, shall not be allowed on parcels less than one half acre in size, or within the Voyageurs National Park, on trout streams, or Natural Environment lakes.
3. A boat launch may be allowed and requires a land alteration permit.
4. One parking space per residence using the water access parcel must be available outside of the road right-of-way.
5. Parking spaces shall not be within the shore impact zone and shall meet land alteration standards. Boat trailers must also be kept outside of the shore impact zone and road right-of-way.
6. Resorts and marinas may offer this service as part of its operations.

Section 6.7 Large Parking Lots Administrative Standards "C"

A. **No Permit Required:** No permit shall be required for parking areas containing parking for 50 vehicles or more or occupying 20,000 square feet or more if the following standards are met:

1. The property owner shall develop a stormwater runoff plan to ensure snow and rain runoff does not discharge directly into lakes, streams, or wetlands.
2. Land alteration, stormwater and shoreline vegetation alteration standards shall be met.

Section 6.8 Residential Solar Energy System Administrative Standards "V"

A. **No Permit Required**: No permit shall be required for residential solar energy systems if the following standards are met:

1. Height limit: Any structure or roof-mounted solar energy system shall not exceed the maximum principal structure height allowed in any zone district.
2. Screening: Solar energy systems shall not be required to be screened. Rooftop solar energy systems: Rooftop solar energy systems shall be accessory to the principal land use, and designed to supply energy for the principal use.
3. Ground-mount solar energy systems: Ground-mount solar energy systems shall be accessory to the principal land use, and designed to supply energy for the principal use.
4. The property owner shall develop a stormwater runoff plan to ensure snow and rain runoff does not discharge directly into lakes, rivers, streams, wetlands or adjacent properties.

DRAFT

B. **Permit Required**: Ground-mount systems occupying more than 150 square feet of ground area require a land use permit and are subject to the accessory structure standards for the district in which it is located, including setback, height, and impervious surface coverage limits. Setback requirements may be waived by the Director if it is verified that the proposed location is the only suitable area on the property for solar access. The following standards shall apply:

1. The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground shall be considered impervious surface.
2. If located at a reduced shoreline setback, ground-mounted systems shall be considered water oriented accessory structures, are limited to 250 square feet in size, and shall require a land use permit.
3. The property owner shall develop a stormwater runoff plan to ensure snow and rain runoff does not discharge directly into lakes, rivers, streams, wetlands or adjacent properties.

Section 6.9 Stairways, Lifts & Landings in Shoreland Areas Administrative Standards "V"

A. **No Permit Required**: No permit shall be required for stairways, lifts, and landings if all such facilities meet the following standards:

1. Stairways and lifts shall not exceed four feet in width.
2. Landings for stairways and lifts shall not exceed 32 square feet.
3. Canopies or roofs shall not be allowed on any stairways, lifts or landings.
4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or located on bedrock, or designed in a manner that ensures control of erosion. Landings shall be located as close to the ground surface as feasible.
5. Stairways, lifts, and landings, shall be located in the most visually inconspicuous portions of lots as viewed from the surface water provided that location is suitable for such construction.
6. A parcel may have as many of these facilities as needed but the vegetative removal standards shall apply to placement of these facilities. Also, there shall be an average 10 foot separation between each facility.
7. Facilities such as ramps, lifts, or mobility paths for the physically handicapped are allowed provided the standards found above are followed and the requirements of state regulations relating to design and construction of such facilities area followed.
8. Stairways, lifts and landings may be considered part of a deck.

Section 6.10 Water Oriented Accessory Structures Administrative Standards "V"

A. **Permit Required: General Minimum Standards**: Water oriented accessory structures may be allowed with a land use permit at a reduced shoreline setback with standards listed below, depending on the type of structure. Only one water oriented structure is allowed by permit per minimum lot area and width requirement for the dimensional

DRAFT

district and on a lot of record as defined in Article IV, Section 4.4D. There shall be no water oriented structures within the Voyageurs National Park, on trout streams, or on Natural Environment Lakes.

B. **Boathouse Standards**: A boathouse may be allowed on General Development and Recreational Development classified lakes with the following standards:

1. Maximum size shall be limited to 400 square feet in floor area on lakes less than 5,000 acres and 520 square feet in floor area on lakes greater than 5,000 acres.
2. Shall be limited to 20 feet in width parallel to the shoreline~~ and 26 feet in depth perpendicular to the shoreline~~.
3. Maximum height shall be 14 feet.
4. Shoreline setback shall be no closer than 10 feet~~, or more than 25 feet~~. Shoreline setback shall be no more than 25 feet. Unless physical features such as floodplain, bluff or wetlands prevent full conformance, the structure may be placed farther than 25 feet from the shoreline, and shall meet all other boathouse standards.
5. A garage type door at least 8 feet wide is required facing the shoreline.
6. Shall not be used for human habitation.
7. Attached decks shall not be allowed.
8. The color of the structure shall be unobtrusive earth toned colors.
9. Boathouses shall not be constructed on slopes greater than 20%, unless an engineered erosion control plan is submitted, approved and implemented..

C. **All Other Water Oriented Accessory Structures (WOAS) Administrative Standards**: All other WOAS may be allowed on General Development and Recreational Development classified lakes with the following standards:

1. Maximum size shall be limited to 250 square feet in floor area.
2. Maximum height shall be 12 feet.
3. Shoreline setback shall be no closer than 30 feet.
4. An attached deck is allowed but must meet accessory structure setback requirements, may be no higher than 12 feet, including rails, and is included in the maximum 250 square foot floor area.
5. Multiple use structures are allowed and must not exceed the 250 square feet in floor area.
6. Shall not be used for human habitation.
7. The color of the structure, including any deck, shall be unobtrusive earth toned colors.
8. The structure shall be screened from public waters by natural means.
9. Saunas shall meet the requirements of the St. Louis County sewage treatment standards.

D. **Detached Deck Standards**: Detached decks may be allowed on General Development and Recreational Development classified lakes with the following standards:

DRAFT

1. Maximum size shall be limited to 250 square feet in floor area.
2. Maximum height shall be 12 feet, including rails.
3. Shoreline setback shall be no closer than 30 feet.
4. The color of the structure shall be unobtrusive earth toned colors.
5. The structure shall be screened from public waters by natural means.

Section 6.11 Accessory Dwelling Administrative Standards "V"

A. **Permit Required: General**: An accessory dwelling is defined as an accessory structure used as a dwelling unit that may contain sleeping spaces, and kitchen and bathroom facilities, in addition to those provided in the principal dwelling structure, and may be allowed with a land use permit.

B. **Accessory Dwellings in Shoreland Areas**: An accessory dwelling may be allowed with a land use permit if the following standards are met:

1. One accessory dwelling may be allowed per lot or parcel that is a minimum of one acre in size.
2. Maximum size shall be limited to 700 square feet in floor area.
3. Maximum height shall be 20 feet.
4. An accessory dwelling shall have adequate septic, (factoring the principal structure), meet all setback requirements and meet lot coverage requirements of the zone district in which it is located.
5. An accessory dwelling shall not be used for commercial or rental purposes.
6. The structure shall be screened from public waters by natural means.
7. An accessory dwelling may be combined with garage, provided the standards above are met.

C. **Accessory Dwellings in Shoreland Areas Less than One Acre in Size**: An accessory dwelling on parcels less than one acre in size may be allowed with a land use permit if the following standards are met:

1. One accessory dwelling may be allowed per lot or parcel.
2. Maximum size shall be limited to 250 square feet in floor area.
3. Maximum height shall be 14 feet.
4. An accessory dwelling shall have adequate septic, (factoring the principal structure), meet all setback requirements and lot coverage requirements of the zone district in which it is located.
5. An accessory dwelling shall not be used for commercial or rental purposes.
6. The structure shall be screened from public waters by natural means.
7. An accessory dwelling may not be combined with a garage or other accessory structure.

D. **Accessory Dwellings in Nonshoreland Areas:** An accessory dwelling in nonshoreland areas may be allowed with a land use permit if the following standards are met:

DRAFT

1. One accessory dwelling may be allowed per lot or parcel.
2. Maximum size shall be limited to 700 square feet in floor area.
3. An accessory dwelling shall have adequate septic, (factoring the principal structure), meet all setback requirements and lot coverage requirements of the zone district in which it is located.
4. An accessory dwelling shall not be used for commercial or rental purposes.
5. An accessory dwelling may be combined with garage, provided the standards above are met.

Section 6.12 Outdoor Signs Administrative Standards "C"

A. **No Permit Required:** No permit shall be required for the following outdoor signs:

1. Signs not exceeding six square feet in area and bearing only property numbers, post box numbers, names of occupants, or other identification of premises, not having commercial connotations.
2. Flags and insignias of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, information, or directional signs erected or required by governmental bodies, as defined in Minnesota State Statutes, section 173.02, Subd. 6.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs not exceeding 16 square feet in area directing and guiding traffic and parking on private property but bearing no advertising matter.
6. A temporary sign indicating real estate for rent or for sale, related to the premises only on which it is located, and not exceeding six square feet in area.
7. Signs used on a temporary basis in conjunction with garage, estate, rummage and produce sales, and not exceeding six square feet in area.

B. **Permit Required Nonshoreland:** A land use permit shall be required for outdoor signs with the following standards:

1. Size and number: Each use shall be allowed two on-site signs. Each sign shall not exceed ~~128~~ 64 square feet in surface area and shall not exceed 35 feet in height. The size or advertising area of a sign shall mean that portion of the advertising face of a sign that includes the border and trim thereof, but excludes the base and apron supports and other structural members.
2. Location: All free-standing signs shall be set back a minimum distance of ten feet from any right-of-way, and shall be the same as the required property line setback for accessory structures of the zone district in which it is located.
3. Illumination:
   a. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.

DRAFT

b. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
c. Downward, back lighted, internally lighted or otherwise dark sky compliant standards shall be utilized to the greatest extent possible unless there is a site-specific reason prohibiting or limiting such lighting.

C. **Permit Required Shoreland:** A land use permit shall be required for outdoor signs located on riparian parcels with the following standards:

1. Size and number: Each use shall be allowed one on-site sign that can be viewed from the public waterway and one on-site sign that can be viewed from the roadway.
   a. The sign facing the water body shall not exceed 32 square feet in surface area and shall not exceed 10 feet in height.
   b. The sign facing the roadway may not exceed 64 square feet and shall not exceed 15 feet in height.
2. Location:
   a. Freestanding signs shall meet the required shoreline setback for principal structures of the lake classification on which it is located.
   b. Signs may be located at a reduced setback from the shoreline provided the sign is attached to a permanent structure.
   c. Setbacks shall be a minimum of 10 feet from the right-of-way, and shall be the same as the required property line setback for accessory structures of the zone district in which it is located.
3. Construction Materials:
   a. Signs shall be painted or stained in an unobtrusive earth toned color and shall be rustic in appearance.
   b. The signs must only convey the location, name of establishment, and the general types of goods or services available.
   c. The signs shall not contain other detailed information such as product brands and prices.
4. Illumination:
   a. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway or public waters, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle. Self-illuminated lettering on signage is allowed.
   b. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
   c. Downward, back lighted, internally lighted or otherwise dark sky compliant standards shall be utilized to the greatest extent possible unless there is a site-specific reason prohibiting or limiting such lighting.

DRAFT

Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

D. **Permit Required:** A land use permit shall be required for outdoor signs associated with a home business with following standards:

1. Size and number: Shall be limited to one on-site sign not to exceed ~~16~~ 64 square feet.
2. Location: All free-standing signs shall be set back a minimum distance of ten feet from any right-of-way, and shall meet the required property line setback for accessory structures of the zone district in which it is located.
3. Illumination:
   a. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.
   b. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
   c. Downward, back lighted, internally lighted or otherwise dark sky compliant standards shall be utilized to the greatest extent possible unless there is a site-specific reason prohibiting or limiting such lighting.

E. **Conditional Use Permit Required:** Dynamic Signs: Dynamic signs may be allowed as a conditional use with the following standards:

1. Size: Dynamic signs shall not exceed 32 square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.
2. Height: The maximum height of a dynamic sign attached to a building shall be 14 feet, or top of wall, whichever is less.
3. Location: Dynamic signs shall be subject to the following location restrictions:
   a. A dynamic sign shall be located only in commercial zone districts.
   b. A dynamic sign shall be located on a principal structure wall or be part of a freestanding sign. If the dynamic sign is part of a freestanding sign, the dynamic portion shall be part of the continuous display surface of the sign.
   c. A dynamic sign shall not be visible from public waters.
4. Illumination:
   a. Between sunrise and sunset the maximum luminance shall be 5,000 nits and between sunset and sunrise the maximum luminance shall be 500 nits.
   b. All signs with a dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
   c. Except for institutional and public uses, the dynamic sign shall not display messages or be illuminated when the use is closed.

DRAFT

5. Image Characteristics and Transition:
   a. Duration of message. The sign message shall remain static for a period of not less than 60 seconds.
   b. The transition from one message to the next shall be direct and immediate, without any special effects.
   c. Dynamic signs shall have a pitch of not greater than 20 millimeters between each pixel.
   d. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

F. **Outdoor Signs Not Allowed:** The following signs are not allowed:

1. Any sign that claims to be or resembles, hides from view, or interferes with the effectiveness of any official traffic or railroad control device, sign, or signal.
2. Any sign that obstructs or interferes with a driver's view of approaching, merging or intersecting traffic.
3. Any sign that prominently displays the words "stop" or "danger."
4. Any sign that displays messages that are painted or drawn upon rocks, trees, public utility poles, or abandoned buildings.
5. Any sign that is structurally unsafe, or in disrepair.
6. Any sign located in, over, or upon public waters, unless authorized by the appropriate public waters authority.
7. Any sign located within the shore impact zone, unless attached to a permanent structure.

Section 6.13 Closed Landfills and Dumpsites Administrative Standards "V"

A. No Permit Required: No permit shall be required for closed landfills and dumpsites if the following development standards are met: Closed landfills and dumpsites, and associated contaminated or at risk areas that have not been remediated or reclaimed under the Minnesota Pollution Control Agency (MPCA) Voluntary Investigation and Cleanup (VIC) program or other MPCA environmental response remediation program shall adhere to the following:

1. MPCA ownership or environmental response agreement. If the closed landfill is owned by or has a remediation easement, covenant or binding agreement controlled by the MPCA, allowed use of the land and all land disturbing activities are limited to those activities or uses specifically allowed under the MPCA Land Use Plan (LUP).
   a. Development Prohibited on Contaminated Areas, Methane Areas of Concern: No development is allowed on areas surrounding a closed landfill site that have been identified as areas of contaminated groundwater or a methane area of concern.
   b. Groundwater Areas of Concern: Within mapped groundwater areas of concern, all applicants for subdivision or permits for new dwelling units must provide a hydrologic analysis demonstrating that the development will not alter the normal

DRAFT

groundwater flows or accelerate the movement of contaminated groundwater. For drinking water supply prior to final plat approval, a comprehensive water test must be submitted to the department. The water test must be taken by an independent state approved laboratory and must show that the state drinking water levels are met.

2. Closed dumpsites with county closure reports: All activities on the landfill site must protect the integrity of any existing or planned remediation systems and the ability to take environmental response actions at the landfill. In addition the following standards shall apply:
   a. The sites are identified on the County Zoning Map. An applicant for land use permits may provide evidence to the Director that the location shown on the map is incorrect or that all waste has been removed from the site.
   b. No development on Landfills or Dumpsites: No development activities are allowed at any point on a closed landfill or dumpsite or within four hundred (400) feet of a landfill or dumpsite. Development closer than four hundred (400) feet is allowed only upon demonstration to the satisfaction of the Director that water and methane risk is inconsequential.
   c. Testing Required. All applications for subdivision or construction of new dwellings that includes a closed landfill or dumpsite on the lot or in the subdivision, or is within one thousand (1,000) feet of a closed landfill or dumpsite, must document that no contamination plume is within any area slated for development.
   d. Documentation Required. An affidavit must be filed with the County Recorder in the following circumstances:
      i. When the landfill or dumpsite is within a proposed subdivision, the applicant must record a notarized affidavit, where the land use permit is issued, with a detailed description of the dump with the County Recorder. This document shall include a legal description of the boundaries of the filled area, the size of the filled area in acres, the depth of fill and anything that is known about the types of waste buried. The affidavit should also reference any investigation reports.
      ii. When the closed landfill or dumpsite is off the site of the proposed subdivision or new dwelling units, but is within 1,000 feet of any proposed residential lot, the applicant must record a notarized affidavit, where the land use permit is issued, stating knowledge of the landfill or dumpsite.
      iii. Managing Landfill Sites. A closed landfill or dumpsite without an MPCA LUP within a proposed development must be managed consistent with MPCA's Best Management Practices for Minnesota's Old Dumps, or most recent version, in addition to the following:
         a. Remove surface debris. All surface debris must be removed in accordance with MPCA and county standards.
         b. Vegetate Landfill Surface Soil. All portions of the landfill site must have a complete native vegetative cover. Vegetation reduces runoff and erosion, provides habitat and improves the appearance of the property.

DRAFT

iv. Additional Conditions. The Department may impose conditions on any land use permit or subdivision within 1,000 feet of a closed landfill or dumpsite to protect public health and safety. Conditions may include, but are not limited to:
   a. Prohibiting uses or limiting allowed uses;
   b. Limiting location or technology of individual drinking water wells;
   c. Limiting the movement, excavation, and removal or soil and underground materials.

3. Participation in VIC. All uses and development activities allowed under the zoning district and overlay districts, if applicable, that are consistent with a final determination under the MPCA Voluntary Investigation and Cleanup Program are allowed on closed landfill sites and surrounding contaminated ground. All design and engineering standards stipulated in the final VIC determination must be followed in the development process.

Section 6.14 Alteration of Steep Slopes in Nonshoreland Areas Administrative Standards "C"

A. **No Permit Required:** General: Minimum Standards for Alterations: No permit shall be required for alterations of steep slopes if the following standards are met:

   1. Soil erosion and stormwater runoff shall not leave the site of the alteration.
   2. Alteration shall not impede the drainage of adjacent properties.
   3. Activities in designated wetland areas shall be in accordance to state, county and federal regulations.

Section 6.15 Steep Slopes in Shoreland Areas Administrative Standards "V"

A. Permit Required: For any land use permit in areas where slope exceeds 12% over a horizontal distance of 50 or more feet, the Director may require the applicant to submit the following information:
   1. A plan on how erosion will be prevented.
   2. A plan on how existing vegetation will be preserved.
   3. A plan on how the structures and vehicles will be screened from public waters.

Section 6.16 Land Alterations within 300 Feet of Lakes and Rivers Administrative and Performance Standards "C"

A. **General: Minimum Standards for All Alterations:** The following standards shall apply to all land alterations whether they require a permit or not:

   1. Alterations shall be designed and constructed to ensure the least amount of bare ground is exposed.

2. Mulches or similar materials shall be used for temporary bare ground coverage, and the disturbed area shall be stabilized with permanent vegetative cover within seven days of completion of permitted activity.
3. Accepted methods to prevent or limit erosion and trap sediment shall be employed (e.g. silt fences, diversions, and sediment traps).
4. Altered areas shall be stabilized according to accepted engineering or soil erosion standards.
5. Material shall not be placed in a manner that creates an unstable slope, or in bluff impact zones.
6. Plans to place material on steep slopes shall be reviewed by qualified professionals, and the finished slope shall not exceed 20%.
7. One alteration is allowed per minimum lot area and width requirement for the dimensional district, or group of contiguous non-conforming lots in the same ownership.
8. Any alteration below the ordinary high water level (OHWL) must comply with Minnesota Statutes, chapter 103G.

B. **No Permit Required:** No permit shall be required for the following land alterations:

1. Excavation, grading and filling that is associated with construction of permitted structures; driveways located at the shoreline setback or greater; walking paths; permitted sewage treatment systems; farm fields; other agricultural use; and gardens, provided minimum standards above are met.
2. Any alteration of the natural topography, located outside the shore impact zone and up to 300 feet from the shoreline, involving less than 50 cubic yards of material.
3. Shoreline riprap projects that comply with state rules and/or receive a DNR waters permit or do not require a DNR riprap permit for shoreline alterations.

C. **Permit Required:** A performance standard permit shall be required for the following land alterations:

1. Any alteration of the natural topography located within the shore impact zone or within 50 feet of the shore, whichever is more restrictive, bluff impact zone, or on a steep slope.
2. Any alteration of natural topography, located outside the shore impact zone or bluff impact zone that exceeds 50 cubic yards of material.
3. Shoreline riprap projects that do not follow DNR permit requirements or do not comply with state rules for shoreline alterations.

Performance standards shall be the minimum standards for all land alterations in *Section 6.16, A.*

D. **Alterations Not Allowed:** The following land alterations are not allowed:

1. Activities that cause the potential for soil erosion.
2. Alteration that will impede the drainage of adjacent properties.

DRAFT

3. Removal of herbaceous and woody vegetation within shore and bluff impact zones and on steep slopes.
4. Private water craft accesses located on steep slopes.
5. Activities in designated wetland areas according to state, county and federal regulations.

Section 6.17 North Shore Management Plan Area Alteration Administrative Standards "C"

A. **No Permit Required:** No permit shall be required for grading and erosion control in the North Shore Management Plan area if the following standards are met:

1. An erosion and sediment control plan shall be required for excavations exceeding 1,000 square feet or 100 cubic yards or fill exceeding 1,000 cubic yards, or 50 cubic yards within the structure setback area. Shoreland alterations done in connection with work authorized by permit shall be exempt from the plan requirement.
2. The South St. Louis County Soil and Water Conservation District and the township zoning official shall approve all plans prior to any alteration work starting.
3. The approved erosion and sediment control plan shall be followed and is incorporated into any permit.
4. All grading and filling shall follow the standards set forth in this ordinance.

Section 6.18 Shoreline Vegetation Alterations Administrative Standards "C"

A. **Exemptions: No Permit Required:** The following activities are exempt from shoreline vegetation alterations standards and require no permit:

1. Removal of trees, shrubs, limbs, or branches that are dead, diseased or pose safety hazard.
2. Vegetation alteration necessary for the construction of permitted structures; driveways located at the shoreline setback or greater; and permitted sewage treatment systems.
3. Harvesting timber and associated reforestation activities outside the shore and bluff impact zone and on steep slopes is allowed if conducted consistent with Forest Best Management Practices developed by the State of Minnesota.

B. **No Permit Required: General Minimum Standards for Vegetation Alteration:** The removal of natural vegetation within the shore impact zone is subject to the following standards:

1. There shall be limited removal, pruning and trimming of trees to provide a view to the water from the principal structure site and to accommodate the placement of stairways, landings, recreation areas, access paths and watercraft access areas.

DRAFT

2. One access path is allowed per residential lot or parcel and shall not exceed a cleared width of 12 feet.
3. One shoreline recreation area that includes the access path shall be allowed within the shore impact zone per lot, parcel or group of contiguous non-conforming lots in the same ownership. The area shall not exceed 15 feet in depth by the width in *Table C*.
4. Authorized removal of vegetation shall be accomplished using human means (for example, hand, ax, or saw) and shall not be done by heavy equipment.
5. Screening of structures and vehicles as viewed from the water during leaf-on conditions shall not be substantially reduced. The maximum view corridor between the shore impact zone and required principal structure setback shall be 50 feet or 30% of the parcel width, whichever is less.
6. Forest land conversion to another use is allowable as a conditional use if the shore and bluff impact zones are not intensively cleared and an erosion and sediment control plan is approved by the county.

C. **Vegetation Alteration Maximum Width of Alteration Allowed:**

Public Water Classification	**Maximum Width in Feet Parallel to Shoreline**
General Development	30
Recreational Development	30
Natural Environment	20
Mine Pits	30
SLC Urban Rivers	10
Trout Streams	10
Forest and Recreation Rivers	10
DNR and SLC Remote Rivers	10
Rural Agricultural Rivers	10
SLC Primitive	10
Tributaries	30

Section 6.19 Stormwater Management Administrative Standards "C"

A. **No Permit Required: General Minimum Standards for All Stormwater Management:** No permit shall be required for stormwater management if the following standards are met:

1. Impervious lot coverage shall not exceed the maximum lot coverage of the zone district.
2. Existing natural features that control stormwater runoff shall remain unchanged.
3. When areas are to be disturbed, alterations shall be managed to minimize the area to be modified, control runoff velocity and reduce and/or delay runoff volume. Sediments shall be retained on site and the disturbed area shall be stabilized within seven days of completion of permitted activity.
4. Constructed facilities used for storm water management shall be reviewed by a qualified professional and approved by the Director.

DRAFT

Section 6.20 Home Business Performance Standards "C"

A. **Permit Required:** Home businesses may be allowed with a performance standard permit with the following standards:

1. There shall be no outside storage of material or equipment.
2. All waste shall be disposed of in accordance with county and state regulations.
3. Approval from the appropriate road authority shall be obtained to address public safety and any increased traffic from proposed home business.
4. Notice shall be sent to adjoining property owners by the Department to determine suitability of the home business in the area. Additional standards may be required based on comments received within 14 days, or the Director may require a conditional use permit for the home business.
5. Notice shall be sent to the local fire department by the Planning and Community Development Department to inform the fire department of any hazardous, toxic or flammable material kept on the property relating to the home business.
6. The home business shall not be a rural industry, salvage facility, or other use that is industrial in character.

Section 6.21 Domesticated Animals Administrative Standards "C"

A. **General:** The following standards shall apply in the areas designated for keeping of animals. If these standards are exceeded, an individual shall apply for a conditional use permit. All operations containing animals shall follow these standards or obtain a conditional use permit, regardless of the zone district and whether or not established prior to the adoption of this ordinance. The following standards shall apply whether they require a permit or not:

1. Administrative Standards: The setbacks and location of animals on any parcel shall meet the following standards whether they require a permit or not:
   a. Animals, with the exception of up to five domesticated dogs or cats, shall not be penned within 200 feet of a neighboring residence. (Penned is defined as the confined feeding, breeding, raising or holding of animals.) This provision does not apply if the animals are pastured in an area of ten acres or more.
   b. Animals shall not be penned within 150 feet from any well.
   c. Animals shall not be penned within shore or bluff impact zones or on steep slopes.
   d. On any parcel that contains five or more animal units of swine or poultry, enclosed quarters or fencing shall be provided at no less than twice the required setback for the zone district or 200 feet from a neighboring residence, whichever is more restrictive.
   e. In a FAM zone district, the keeping of livestock and related farming activities should be considered preeminent over non-agricultural uses in the area. Therefore, in a FAM zone district 9 acres or larger, no permits for the keeping and raising of

DRAFT

livestock are required, provided the animals are not penned within the shore impact zone, bluff impact zone or on steep slopes.

f. In a RES zone district, Agricultural Uses Class II shall only be allowed if located on property of 17 acres or more.

2. **Waste Disposal and Access to the Shore:** Disposal of animal waste and animal access to protected waters (lakes and rivers) shall meet the following standards:
   a. Animal waste shall be disposed of in an environmentally sound manner, and in no case shall runoff from waste discharge directly into a lake, river, unsealed well, or wetland. The construction of animal waste systems is encouraged and may be required by the Planning Commission or the Director.
   b. In FAM zone districts, access to the shore shall be allowed for watering purposes only with an approved plan from the United States Department of Agriculture.
3. **Number of Animal Units Allowed:** The County determines impact by using animal units. The following tables show the animal unit equivalent for each species and the number of animal units allowed per/acre. The Director may determine the animal unit equivalent for animals not listed below:

Animal	Animal Unit Equivalent
Dairy Cow	1.40
Slaughter Steer or Heifer	1.00
Horse	1.00
Swine	0.40
Sheep, Goat, Dog	0.20
Duck, Turkey, Cat	0.02
Chicken	0.01

Number of Acres	Animal Units Allowed Per/Acre
0-2 Acres	Only domesticated dogs and cats as pets up to one animal unit total and no more than 5 chickens
>2-4.5 Acres	One animal unit allowed
>4.5 to 10 Acres	Five animal units
>10 Acres or more (per quarter/quarter section or government lot)	30 animal units
More than one contiguous quarter/quarter or government lot	20 animal units per quarter/quarter or government lot even if the animals are kept on a single parcel

B. **Permits Required:** See *Article V* of this ordinance for the type of permits required by St. Louis County Ordinance, if applicable. The following standard shall apply:

1. All required state and federal permits shall be obtained for the keeping of animals.

DRAFT

Section 6.22 Extractive Uses Performance and Conditional Use Standards "C"

A. **Applicability:** All extractive use operations involving excavation, removal, storage or processing of borrow or aggregate material, whether they are in operation at the time of this ordinance adoption, including established nonconforming uses, shall follow the minimum standards set forth in this ordinance. The use will terminate upon a pit closure report being filed with the Department and recorded with the County Recorder.

B. **General:**

1. Extractive use operations with a valid permit issued by St. Louis County, that remain in compliance with the terms and conditions of their permit shall be allowed to continue until the permit has expired, been revoked, or self-terminated.
2. No person, firm, or corporation shall hereafter engage in extraction of earthen material on any land within the unincorporated areas of St. Louis County without first obtaining a performance standard or conditional use permit.
3. It shall be the property owner's responsibility to secure necessary concurrent permits, including, but not limited to, Minnesota Pollution Control Agency permits; state waste disposal permits; US Army Corps of Engineers permits; DNR Public Waters permits; and DNR Public Waters appropriation permits. Approval by the county does not imply approval by other agencies.
4. No permits shall be issued to an operator/owner who has not reclaimed a previously approved extractive use or is in violation of the conditions of their permit.

C. **No Permit Required: Private Use, Forest and Agricultural Management and Use:** No permit shall be required for private extractive use by a land owner on their own land, pits used to construct roads for forest management purposes or extraction of material for agricultural use or management.

D. **Permit Required: Residential Uses in an Extractive Use Area:** Residential uses are allowed with a land use permit in such areas provided they meet the following standards:

1. All residential standards found in this and other county ordinances are met.
2. An affidavit shall be signed by the homeowner acknowledging the existence of the extractive use activity and the potential impact such use may have on the home. The affidavit shall be filed with the Department.

E. **Minimum Operating Standards:** All extractive use operations shall follow the minimum operating standards set forth in this section. The standards shall apply to the following:

1. Project Area
2. Stockpiles
3. Haul Roads
4. Entrance Roads

DRAFT

5. Scales, Crushers and Related Facilities
6. Other Items, as deemed necessary by the Director

If the operator of an existing permitted operation cannot meet these standards, a waiver may be requested from the Director. The decision of the Director may be appealed in a manner described in this ordinance. St. Louis County shall not use any borrow material originating from an extractive use not in conformance with these standards.

F. **Permit Required: Extractive Use Class I (Public Works Projects):** A performance standard permit shall be required for an extractive use established in response to a single public works project that will not be used for more than two years. The following standards shall apply:

1. The operation shall be used solely for public work projects that are defined as work on bridges, public roads, landfills, and other public facilities. Up to 10 percent of production may be offered for general sale.
2. Notice shall be sent to adjoining property owners by the Department.
3. Hours of operation shall be limited to:
   a. 7:00 a.m. to 8:00 p.m., Monday through Saturday.
   b. No operations may take place on Memorial Day, Independence Day, Labor Day, and Sundays.
4. The hours of operation may be expanded through public hearing approval or provided that one or more of the following conditions are met:
   a. Written permission, authorizing extended hours of operation, of two-thirds of the property owners within one-quarter mile and all property owners with an established residential principal dwelling within 300 feet of the extractive use, is obtained and filed with the Department.
   b. If the operation is located on a road closed for construction, hours and days of operation will be allowed without restriction, if the residential property owners within 300 feet agree to such an extension.
   c. Delivery during regular hours is not feasible for the residential property owner, if hauling to a residential lot.
   d. The Director determines that an emergency exists. An emergency is a short-term, unplanned and unexpected event where an immediate need for borrow material exists in order to address a significant threat to the public safety.
4. Crushing is allowed and shall be limited to the permitted timeline for which the use was authorized.
5. Portable hot mix plants shall be allowed under the following circumstances:
   a. The plant shall be a minimum of 300 feet from all residential principal dwellings. The setback may be waived with written permission by the adjoining property owner.
   b. Shall be limited to the permitted timeline for which the use was authorized.
6. Recycling of asphalt and concrete is allowed and shall be limited to the permitted timeline for which the use was authorized.

DRAFT

7. All property lines shall be located by a licensed land surveyor, unless there is a written agreement filed with the Department between the adjoining property owner and pit owner/operator of the location of property lines or the County Surveyor verifies that the operation will not encroach on any property line setbacks based on determination by the Director.
8. No extractive use shall be within the principal structure setback of a DNR protected water.
9. A no disturbance setback, including the haul road, shall be:
   a. 100 feet from the property line of an adjoining parcel with an established residential principal dwelling within 300 feet of the extractive use. The 100 foot property line setback may be modified if there is a written agreement filed with the Department between the adjoining property owner and pit owner/operator.
   b. 50 feet from the property line of all other parcels and from the edge of all public road right-of-ways or public utilities.
   c. 200 feet from the boundary of an incorporated municipality.
   d. 50 feet from the boundary of a wetland.
10. The no disturbance setback area may contain the haul road in the following instances:
    a. For safety reasons, as deemed necessary by the appropriate road authority.
    b. For wetland avoidance.
    c. There is a written agreement filed with the Department between the adjoining property owner and pit owner/operator.
11. Adequate vegetative screening shall be required to screen the operation from ordinary public view. If vegetative screening is not sufficient, the Director may require the placement of a fence or berm.
12. All accesses to public roads shall be approved by the appropriate road authority.
13. Traffic signs (e.g. TRUCKS HAULING) shall not be installed on public roadways, unless approved or required by the appropriate road authority.
14. An extractive use shall have a gate for controlling access. The use of cable, chain, or similar barrier is prohibited.
15. Dust control measures shall be implemented, as necessary, from the processing site to the nearest paved road.
16. An extractive use shall be solely used for operations directly related to excavation of earthen material. Any other use shall require additional approval by the county.
17. Storage of asphalt and concrete is allowed provided that the following conditions are met:
    a. The use is part of a permitted public works road project.
    b. It is part of an ongoing recycling effort.
18. All extractive uses shall take measures to control erosion and runoff that has the potential to damage adjacent land.
19. No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of on site.

G. **Permit Required: Extractive Use Class II (General Purpose):** A conditional use permit shall be required for all other extractive use activities other than Class I (Public Works Projects). A conditional use permit for extractive use Class II shall be

DRAFT

administratively reviewed by the Director after five years, for continuance, without a public hearing if the following standards are met:

1. All minimum standards of this ordinance and conditions approved as part of the public hearing are being followed.
2. Hours of operation shall be limited to:
   a. 7:00 a.m. to 8:00 p.m., Monday through Saturday.
   b. No operations may take place on Memorial Day, Independence Day, Labor Day, and Sundays.
3. The hours of operation may be expanded through public hearing approval or provided that one or more of the following conditions are met:
   a. Written permission, authorizing extended hours of operation, of two-thirds of the property owners within one-quarter mile and all property owners with an established residential principal dwelling within 300 feet of the extractive use, is obtained and filed with the Department. The permission must be renewed on an annual basis.
   b. If the operation is located on a road closed for construction, hours and days of operation will be allowed without restriction, if the residential property owners within 300 feet agree to such an extension.
   c. Delivery during regular hours is not feasible for the residential property owner, if hauling to a residential lot.
   d. The Director determines that an emergency exists. An emergency is a short-term, unplanned and unexpected event where an immediate need for borrow material exists in order to address a significant threat to the public safety.
4. Crushing is allowed and shall be limited to the permitted timeline for which the use was authorized.
5. Portable hot mix plants shall be allowed under the following circumstances:
   a. The plant shall be a minimum of a 300 feet from all residential principal dwellings. The setback may be waived by written permission by the adjoining property owner.
   b. Shall be limited to the permitted timeline for which the use was authorized.
6. Recycling of asphalt and concrete is allowed and shall be limited to the permitted timeline for which the use was authorized.
7. All property lines shall be located by a licensed land surveyor, unless there is a written agreement filed with the Department between the adjoining property owner and pit owner/operator of the location of property lines or the County Surveyor verifies that the operation will not encroach on any property line setbacks based on determination by the Director.
8. No extractive use shall be within the principal structure setback of a DNR protected water.
9. A no disturbance setback, including the haul road, shall be:
   a. 100 feet from the property line of an adjoining parcel with an established residential principal dwelling within 300 feet of the extractive use. The 100 foot property line setback may be modified if there is a written agreement filed with the Department between the adjoining property owner and pit owner/operator.

DRAFT

b. 50 feet from the property line of all other parcels and from the edge of all public road right-of-ways or public utilities.
c. 200 feet from the boundary of an incorporated municipality.
d. 50 feet from the boundary of a wetland.

10. The no disturbance setback area may contain the haul road in the following instances: in the following instances:
    a. For safety reasons, as deemed necessary by the appropriate road authority.
    b. For wetland avoidance.
    c. There is a written agreement filed with the Department between the adjoining property owner and pit owner/operator.
11. Adequate vegetative screening shall be required to screen the operation from ordinary public view. If vegetative screening is not sufficient, the Director may require the placement of a fence or berm.
12. All accesses to public roads shall be approved by the appropriate road authority.
13. Traffic signs (e.g. TRUCKS HAULING) shall not be installed on public roadways, unless approved or required by the appropriate road authority.
14. An extractive use shall have a gate for controlling access. The use of cable, chain, or similar barrier is prohibited.
15. Dust control measures shall be implemented, as necessary, from the processing site to the nearest paved road.
16. An extractive use shall be solely used for operations directly related to excavation of earthen material. Any other use shall require additional approval by the county.
17. Storage of asphalt and concrete is allowed provided that the following conditions are met:
    a. The use received public hearing approval or is part of a permitted public works road project.
    b. It is part of an ongoing recycling effort.
18. All extractive uses shall take measures to control erosion and runoff that has the potential to damage adjacent land.
19. No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of on site.

H. **Reclamation Standards:** All extractive uses shall implement the following minimum reclamation standards:

1. Reclamation shall occur concurrent with the operation, as well as at the completion.
2. At the non-working face, banks shall be maintained at a slope not to exceed 2:1 except that at termination, the slope shall not exceed 3:1.
3. All trees, brush, stumps and any other debris removed, shall be disposed of in a manner acceptable to the local solid waste authority.
4. The tops of all banks shall be rounded to conform to the surrounding topography.
5. Reclaimed areas shall be surfaced with soil of a quality equal to the topsoil immediately surrounding the operation and to a depth of at least six inches.
6. Native seed shall be used on all temporary and permanent seeding.
7. Final reclamation shall include the following:

DRAFT

a. Stabilization of all slopes.
b. Removal of all stock piles.
c. Application of topsoil and permanent seeding.
d. Removal of all equipment and structures.
e. Implementation and completion of all other reclamation actions in accordance with the reclamation plan within six months of the use terminating.

Section 6.23 Industrial Uses Performance Standards "C"

A. **Permit Required: Industrial Use Class I:** A category of uses that includes, but is not limited to: recycling centers/transfer stations, and temporary wood processing are allowed in the following zone districts: FAM, MU, SMU, RES, COM, LI, LSO & LCO with a performance standard permit. The following performance standards shall apply:

1. Setbacks for any principal or accessory structures or outdoor storage of items shall meet setback requirements of the zone district in which they are located.
2. Access to the parcel shall be approved by the appropriate road authority.
3. All local, state and federal regulations shall be adhered to.
4. Lighting shall be directed downward.
5. The local fire department shall be notified of any hazardous or flammable materials stored or utilized on site.
6. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.

B. **Permit Required: Industrial Use Class I:** A category of uses that includes, but is not limited to: recycling centers/transfer stations, and temporary wood processing are allowed in the following zone districts: SENS and IND with a conditional use permit. The standards above shall apply.

C. **Permit Required: Industrial Use Class II:** A category of uses that includes, but is not limited to: bulk tank storage, crematories, factories, general wholesaling, heavy equipment business, industrial parks, junk/salvage facilities, land application of sewage, permanent wood processing, septic tank pumping business, storage and warehousing, and transformer/pole yards are allowed in the following zone district: LI with a performance standard permit. The following performance standards shall apply:

1. Setbacks for any principal or accessory structures or outdoor storage of items shall meet setback requirements of the zone district in which they are located.
2. Access to the parcel shall be approved by the appropriate road authority.
3. All local, state and federal regulations shall be adhered to.
4. Lighting shall be directed downward.
5. The local fire department shall be notified of any hazardous or flammable materials stored or utilized on site.
6. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.

DRAFT

D. **Permit Required: Industrial Use Class II:** A category of uses that includes, but is not limited to: bulk tank storage, crematories, factories, general wholesaling, heavy equipment business, industrial parks, junk/salvage facilities, land application of sewage, permanent wood processing, septic tank pumping business, storage and warehousing, and transformer/pole yards are allowed in the following zone districts: FAM, MU, COM, IND, & LCO with a conditional use permit. The standards above shall apply.

Section 6.24 Utility Facilities Administrative and Performance Standards "C"

A. **No Permit Required: Utility Facilities Class I:** A category of uses that includes, but is not limited to: electrical lines, fuel tanks, amateur radio towers, outdoor wood boilers, small collector wastewater treatment plants, solar panel battery or storage stations for private residential use, and wind turbines for private residential use are allowed with no permit required except in the following zone district: LSO where a performance standard permit is required. The following standards shall apply whether or not a permit is required:

1. Setbacks for any principal or accessory structures or outdoor storage of items shall meet setback requirements of the zone district in which they are located.
2. Access to the parcel shall be approved by the appropriate road authority.
3. All local, state and federal regulations shall be adhered to.
4. Lighting shall be directed downward.
5. The local fire department shall be notified of any hazardous or flammable materials stored or utilized on site.
6. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.
7. Non-illuminated amateur radio towers and non-illuminated wind turbines shall be no higher than 200 feet and shall be setback from all property lines at a minimum distance equal to the height of the tower.

B. **Permit Required: Utility Facilities Class II, except Commercial Communication Towers:** A category of uses that includes, but is not limited to: electrical substations and wastewater treatment plants (municipal or sanitary districts) are allowed in the following zone districts: FAM, MU, SMU, RES, & LIU with a performance standard permit. The following performance standards shall apply:

1. Setbacks for any principal or accessory structures or outdoor storage of items shall meet setback requirements of the zone district they are located.
2. Access to the parcel shall be approved by the appropriate road authority.
3. All local, state and federal regulations shall be adhered to.
4. Lighting shall be directed downward.
5. The local fire department shall be notified of any hazardous or flammable materials stored or utilized on site.
6. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.

DRAFT

C. **Permit Required: Utility Facilities Class II, except Commercial Communication Towers:** A category of uses that includes, but is not limited to: electrical substations and wastewater treatment plants (municipal or sanitary districts) are allowed in the following zone districts: COM, SENS, IND, LSO, LCO, & CL with a conditional use permit. The standards above shall apply.

D. **No Permit Required: Commercial Communication Towers Co-location:** No additional permits shall be required for the placement of additional antennas on an approved tower, if the following standards are met:

1. The tower height is not increased by more than 20 feet.
2. The new tower height does not exceed 200 feet
3. No new lighting is required.

E. **Permit Required: Commercial Communication Towers:** Commercial communication towers may be allowed as a performance standard permit in all zone districts on lots or leased parcels as small as 20,000 square feet. A land use permit shall be required for accessory structures associated with communication towers. The following performance standards shall apply:

1. Notice shall be sent to adjoining property owners by the Department to determine suitability of the project in the area. Additional standards may be required based on comments received within 14 days, or the Director may require a conditional use permit for the project.
2. Commercial communication towers shall be outside of significant migratory bird flight paths as determined by the Minnesota Department of Natural Resources or the U.S. Fish and Wildlife Service.
3. Night time strobe lights may be permitted only when necessary to meet federal standards or protection of migratory birds.
4. Tower heights are restricted to less than 300 feet when located within 1,000 feet of a public water, public waters wetland or within two miles of Lake Superior. Towers located outside these areas are restricted to a height less than 500 feet.
5. Towers shall not be allowed closer than two times the tower height to the nearest adjacent principal structure, unless the adjacent owner authorizes, in writing, a reduced setback.
6. Property lines setbacks shall equal the height of the tower, unless the adjacent owner authorizes, in writing, a reduced setback.
7. ~~This setback shall also apply from the o~~Ordinary high water level setback for properties on a lake or river shall meet the required lake or river setback or equal the height of the tower, whichever is greater.
~~6.~~8. ~~and from p~~Public road right-of-way~~s~~ setback shall meet the required road right-of-way setback or equal the height of the tower, whichever is greater.
~~7.~~9. No advertisement shall be placed on the towers except for the name of facility owners.
~~8.~~10. A fencing plan shall be required as part of the application review.

Formatted: Font: Bold

Formatted: Font: Bold

DRAFT

~~9.~~11. Prior to submission of any application, the applicant shall discuss emergency and public information needs with the appropriate government agencies.

~~10.~~12. Access to the site shall be obtained from the appropriate road authority.

13. All appropriate government permits and authorizations shall be adhered to.

~~11.~~14. Co-location of antennas is encouraged and the applicant shall demonstrate that the facility will be constructed in a manner that will accommodate multiple users.

Formatted: Font: Bold

Section 6.25 Inoperable Vehicles Storage Administrative Standards "C"

A. **No Permit Required: Minimum Standards:** No permit shall be required for the storage of unlicensed or inoperable vehicles on property if the following standards are met:

1. All stored vehicles shall meet the principal structure setback requirements of the zone district in which they are located.
2. All stored vehicles shall meet the Minnesota Pollution Control Agency standards for motor vehicle environmental compliance.
3. If the vehicles are stored on shoreland property, the parcel shall be 2.5 acres or larger in size and vehicles shall be stored 300 feet or greater from the shoreline.
4. There shall be no more than five unlicensed or inoperable vehicles on a parcel, unless the vehicles are screened from ordinary public view and all standards above are met.

Section 6.26 Farming and Logging Equipment Storage Administrative Standards "C"

A. **No Permit Required:** No permit shall be required for the storage of farming and logging equipment if the following standard is met:

1. All stored equipment shall meet the principal structure setback requirements of the zone district in which they are located.

Section 6.27 Salvage Facility Standards Conditional Use Standards "C"

A. **Permit Required: Minimum Standards:** All salvage facilities under the jurisdiction of this ordinance shall meet the following minimum standards. These standards shall apply to all salvage facilities regardless of the year of salvage facility establishment. A new salvage facility requires a conditional use permit if allowed in the land use district where it is located with the following standards:

1. Wetland Conservation Act requirements shall be followed.
2. All salvage facilities shall have a minimum property line and road setback of 100 feet. No activity except fencing, berms, or other screening may take place in the setback area.
3. No salvage facility shall be allowed within 300 feet of a protected water.
4. All waste including batteries, tires and hazardous waste shall be kept on the property in a manner acceptable to the appropriate solid waste authority or disposed of in a manner acceptable to the county and state and federal regulations.

DRAFT

5. A record shall be kept of all salvage material and waste brought in and out of the property.
6. The local fire department shall be notified of all flammable and hazardous material stored on the property including: amounts, types, and location.
7. Fire breaks and roads shall be approved by the local fire department.
8. The salvage facility shall conform to all St. Louis County sewage treatment standards.
9. The salvage facility shall conform to all the standards for wells of the State Health Department including the sealing of abandoned wells.
10. Access to the site shall be obtained from the appropriate road authority.

Section 6.28 Mineral Exploration and Evaluation Conditional Use Standards "C"

A. **Permit Required:** Mineral exploration and evaluation is allowed with a conditional use permit, except in IND zone district, with the following standards:

1. The activity shall be located outside the shoreland area.
2. Operations shall be a minimum of one-quarter mile from a residence.
3. Access to the site shall be obtained from the appropriate road authority.
4. Written authorization shall be obtained from the surface owner of the property being evaluated.
5. All state regulations are followed, including reclamation.

B. **No Permit Required:** In an IND zone district, no permit is required for mineral exploration and evaluation if all standards above are met.

C. **Authorization:** In authorizing mineral exploration and evaluation, the county is not in any way authorizing the mining and processing of minerals.

Section 6.29 Solid Waste Conditional Use Standards "C"

A. **Permit Required:** All solid waste facilities that require an individual permit from the Minnesota Pollution Control Agency (MPCA) shall require a conditional use permit from the county. Solid waste facilities that are permitted by the MPCA as a permit by rule do not require any permit from the county unless specifically required in Article V of this ordinance.

B. **Permit Required:** Solid waste facilities operated by the county or other government agency may expand with a performance standard permit if the following standards are met:

1. The facility is not located in a shoreland area.
2. Access to the site shall be obtained from the appropriate road authority.
3. Notice shall be sent to adjoining property owners by the Planning and Community Development Department to determine suitability of the solid waste facility in the

DRAFT

area. Additional standards may be required based on comments received within 14 days, or the Director may require a conditional use permit for the expansion.

C. **All Uses Shall Conform to Solid Waste Rules:** All land uses within the county shall comply with all federal, state, local and county solid waste regulations and standards.

Section 6.30 Commercial Uses in Shoreland Areas:

A. **Conditional Use Permit Required:** Commercial uses involving docking and marinas in shoreland areas require a conditional use permit and shall meet the following design standards:

1. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
2. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors.
3. Shall adhere to all other local, state and federal regulations.

Section 6.31 Transportation – Performance Standards "C"

A. Permit Required: Transportation – Class I: A category of uses that includes, but is not limited to: private airports, or other private transportation related uses for personal use, are allowed in the following zone districts: FAM, MU, SMU, IND, LI and LCO with a performance standard permit. The following standards shall apply:
1. The use shall be restricted to private, noncommercial operations.
2. Setbacks for any principal or accessory structures or outdoor storage of items shall meet setback requirements of the zone district in which they are located.
3. Access to the parcel shall be approved by the appropriate road authority.
4. All local, state and federal regulations shall be adhered to.
5. Lighting shall be directed downward.
6. The local fire department shall be notified of any hazardous or flammable materials stored or utilized on site.
7. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.
~~4.~~8. Wetland Conservation Act requirements shall be followed.
~~1.~~9. Notice shall be sent to adjoining property owners by the Planning and Community Development Department. Additional standards may be required based on comments received within 14 days, or the Director may require a conditional use permit.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

DRAFT

~~5.~~ VI.31;VII.1

For private airstrips, airports or airparks, the following additional standards shall apply:

1. The applicant shall demonstrate that the airstrip and the use thereof complies with Federal Aviation Agency (FAA) regulations.
2. The airstrip shall remain grass, unless an alternative plan is approved by the Department.
3. ~~6.~~ Hours of operation shall be limited to daylight hours, unless an alternative lighting plan is approved by the Department.
4. Fly-in events shall be reviewed by the Director and shall require a conditional or interim use permit.

~~7.~~

~~8.~~

B. Conditional Use Permit Required: Transportation – Class I: A category of uses that includes, but is not limited to: private airports, or other private transportation related uses for personal use, are allowed in the following zone districts: RES, COM and LSO with a conditional use permit. The standards above shall apply.

Formatted: No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: No bullets or numbering

Formatted: No bullets or numbering, Tab stops: 0.5", Left

ARTICLE VII PLANNED DEVELOPMENT

Section 7.1 General

A. **Information Requirements:** All planned development applications shall contain the following information:

1. A site plan for the project showing property boundaries, surface water features, existing and proposed structures, sewage treatment systems, topography consisting of 10 foot contour intervals taken from United States Geological Survey (USGS) mapping, or equivalent or more accurate source if available, and other facilities.
2. Documents that explain how the project is designed and will function. These ordinarily include covenants that require membership in a property owners association, various easements, a concept statement describing the project, and other information as deemed necessary by the Director.

B. **Setback Standards:** Exterior property line setbacks shall be the same as required for the zone district in which the planned development is located. Exterior and interior public and private road setbacks shall be based on the county functional road classification as shown on the County Zoning Maps. The Board of Adjustment shall act on any variance request from those standards. There shall be no required interior setbacks from unit boundaries.

C. **Fire Department Review:** Local fire department approval shall be obtained. Failure of the fire department to respond within 60 days of notification by the county will be construed as approval of the project as submitted.

DRAFT

D. **Water-Orientated Accessory Uses:** Water-oriented accessory uses that are allowed in this ordinance are allowed in planned developments, if authorized through application review in accordance with the standards found in this ordinance.

Section 7.2 Development Density

The density standards found in this article are maximum allowed densities and the Planning Commission, by considering land use and environmental impacts, may decrease the allowed densities.

A. **Planned Development Division into Tiers in Shoreland Areas:** Within shoreland areas the proposed project must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals proceeding landward:

Shoreland Tier Dimensions	Tier Depth (feet) Sewered	Tier Depth (feet) Unsewered
General Development Lakes	First tier 200	First tier 200
General Development Lakes	Second and additional tiers 200	Second and additional tiers 267
Recreational Development Lakes	First and additional tiers 267	First and additional tiers 267
Natural Environment Lakes	All tiers 320	All tiers 400
All River Classes	All tiers 300	All tiers 300

B. **Planned Development Division in Nonshoreland Area:** The property shall be divided to meet the zone district requirements in which the planned development is located. Tiers shall not apply in nonshoreland areas.

C. **Usable Area Calculation:** The area within each tier or zone district requirement area is next calculated, excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is then subjected to either the residential or commercial planned development minimum standards to arrive at an allowable number of dwelling units or sites.

Section 7.3 Residential Planned Development Minimum Standards in Shoreland Areas:

A. **Maximum Allowable Dwelling Unit or Site Density**

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (Percent)
First	No increase allowed in first tier
Second	100
Third	200
Fourth	200
Fifth	200

DRAFT

B. **Residential Planned Development Minimum Standards in Nonshoreland Areas:** The St. Louis County Subdivision Regulations shall serve as the density standards.

C. **Design Criteria in Shoreland and Nonshoreland Areas:** Residential planned development design criteria for approval are as follows:

1. All residential planned developments must contain at least 5 dwelling units or sites.
2. At least 50% of the total project area must be preserved as open space.
3. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of minimum open space.
4. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
5. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
6. The shore impact zone, based on normal structure setbacks, must be included as open space. At least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in their natural or existing state.
7. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures. In nonshoreland areas, the open space area may include recreational buildings.
8. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
9. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
10. Residential planned developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized when feasible and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and St. Louis County. St. Louis County sewage treatment standards shall be followed.
11. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or

DRAFT

additional means acceptable to the county and the setback is at least 25% greater than the minimum setback.

12. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
13. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Accessory structures may be allowed as per this ordinance.
14. Nonshoreland recreational facilities shall be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities shall also be located in centralized locations for use by the residents of the facility.
15. Residential planned developments shall follow the land alteration and stormwater management standards as per *Article VI* of this ordinance.

Section 7.4 Commercial Planned Developments

A. **Commercial Planned Development Building Footprint Standards in Shoreland Areas:** The level of development for commercial planned developments, including resorts, shall be determined by two factors. First, the amount of building footprint coverage for principal structures and then the maximum allowed impervious coverage for all buildings, roads, and other altered ground surfaces. The following calculations shall be utilized in determining the level of development at shoreland commercial planned development:

1. **Tier Calculation:** The commercial planned development parent parcel shall be divided into tiers by locating one or more lines parallel to a line that identifies the ordinary high water level at intervals proceeding landward as specified in the following table:

Shoreland Tier Dimensions	Tier Depth (feet) Sewered	Tier Depth (feet) Unsewered
General Development Lakes	First tier 200	First tier 200
General Development Lakes	Second and additional tiers 200	Second and additional tiers 267
Recreational Development Lakes	First and additional tiers 267	First and additional tiers 267
Natural Environment Lakes	All tiers 320	All tiers 400
All River Classes	All tiers 300	All tiers 300

DRAFT

2. **Calculate Suitable Area:** Development density for principal structures is determined in the following manner:
   a. Suitable area within each tier is determined by subtracting from the total area of land consisting of bluffs, wetlands, public road right-of-way, and land below the ordinary high water level.
   b. The suitable area is then multiplied by the building foot print factor in the table below:

Building Footprint Factor			
Sewered GD & RD Lakes	Unsewered GD & RD Lakes	NE Lakes, Trout Streams, Remote, Primitive, & Rural-Ag Rivers	Forested, Recreational & All Other River
0.125	0.065	0.033	0.120

Total Impervious Coverage Allowed (Percent)	
Without Engineered Stormwater Plan	With Engineered Stormwater Plan
15	25

   c. The result is the total ground floor area of principal structures allowed.

3. Allowable density may be transferred from any tier to any other tier further from the lake or river, but shall not be transferred to any tier closer to the lake or river.

B. **Commercial Planned Development Minimum Standards in Shoreland Areas:** Resorts, marinas, campgrounds, water-oriented restaurants, and recreational vehicle parks in shoreland areas shall follow the overall and specific standards stated in this section. The Planning Commission or Board of Adjustment may require additional conditions should a particular use require a public hearing before either board. Standards written in this section, except for exterior setback, including shoreline setbacks standards may be waived through the conditional use permit. Exterior setback standard waivers require an approved variance. The following standards shall apply:

1. Properties that do not have an engineered stormwater management plan shall not exceed a total impervious coverage of 15 percent of the total planned development, or as required in the zone district where it is located, whichever is more restrictive.
2. Properties that have an engineered stormwater management plan shall not exceed a total impervious coverage of 25 percent of the total planned development.
3. Dark sky standards shall be followed.
4. Access roads, bridges, and road entrances to all operations shall be sufficient to meet the standards of the local road authority. All entrances onto public roads shall have specific authorization from the appropriate road authority. Facilities not on a public road shall demonstrate authorization to utilize the road.
5. The requirements of the state fire marshall and the local fire department shall be met.
6. Shoreland mitigation standards shall be followed.

DRAFT

7. If the property legal description is changed in any way, the business will undergo an administrative review for compliance with the provisions of this ordinance.

C. **Commercial Planned Development Minimum Standards in Nonshoreland Areas:** The following steps shall be taken to determine the allowed density for commercial planned developments in nonshoreland areas:

1. In nonshoreland areas, the suitable area is calculated by excluding all wetlands, public road rights-of-way, and easements.
2. One commercial unit or site may be allowed for every one-half (1/2) acre and 100 feet of lot width in the project area.
8. Properties that do not have an engineered stormwater management plan shall not exceed a total impervious coverage of 15 percent of the total planned development, or as required in the zone district where it is located, whichever is more restrictive.
3. Properties that have an engineered stormwater management plan shall not exceed a total impervious coverage of 25 percent of the total planned development.
4. The density and building footprint evaluation for recreational camping areas shall be the impervious coverage standard for the zone district. The pad for each RV unit shall be considered as part of the impervious acreage coverage.
5. Existing commercial planned developments that exceed the footprint coverage may modernize and update units with a standard land use permit, but may not increase capacity without a conditional use permit.

D. **Design Criteria in Shoreland and Nonshoreland Areas for Commercial Planned Developments:** Commercial planned development design criteria for approval are as follows:

1. At least 50% of the total project area must be preserved as open space.
2. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of minimum open space.
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
4. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
5. The shore impact zone, based on normal structure setbacks, must be included as open space. At least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in their natural or existing state.
6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures. In nonshoreland areas, the open space area may include recreational buildings.

DRAFT

7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
8. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
9. Commercial planned developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized when feasible and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and St. Louis County. St. Louis County sewage treatment standards shall be followed.
10. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the county and the setback is at least 25% greater than the minimum setback.
11. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
12. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Accessory structures may be allowed as per this ordinance.
13. Nonshoreland recreational facilities shall be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities shall also be located in centralized locations for use by the residents of the facility.
14. Commercial planned developments shall follow the land alteration and stormwater management standards as per *Article VI* of this ordinance.

Section 7.5 Recreational Vehicle (RV) Parks and Campgrounds

All recreational vehicle parks and campgrounds shall comply with these standards:

DRAFT

A. All required licenses shall be current.

B. All RV's shall have a current state vehicle license for those states that require a license.

C. All sites are considered to have impervious coverage of 400 square feet for each site. Total impervious coverage shall not exceed 15 percent on properties without a stormwater management plan, or as required in the zone district where it is located, whichever is more restrictive. Total impervious coverage shall not exceed 25 percent on properties with an engineered stormwater management plan.

D. RV parks and campgrounds shall be operated on a seasonal basis and may only be open seven months a year.

E. RV's may be stored at the park on a year-round basis.

F. Storage structures for RV's may be allowed with conditional use approval. Each structure shall require a land use permit. Storage structures at individual RV sites shall meet setback requirements for accessory structures required in the zone district in which the planned development is located.

G. All RV parks and campgrounds adjacent to private land shall indicate the borderline through signage, fencing, or other means.

H. Each RV site and campsite shall be effectively screened from ordinary public view from beyond the planned development property by solid fence, trees, terrain, berm or plantings.

I. Each site shall be clearly identified by individual non-duplicated number or letter.

J. Dark sky standards shall be followed.

K. Recreational vehicle parks shall be considered manufactured or mobile home parks if any of the following conditions are met and shall follow the Minnesota State Health Department regulations for manufactured or mobile home parks:

1. The units are occupied for more than seven months per year.
2. The units do not have current vehicle licenses when required.
3. The units require a special permit from State or County road authorities to bring to the site.
4. Units designed for only occasional relocation or that require special tow vehicles to bring to the site.

DRAFT

Section 7.6 Resort Conversions to a Residential Planned Development

A. **Conversions:** Existing resorts or other land uses and facilities may be converted to residential planned developments if all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures and standards presented in this part for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

B. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
3. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

C. Existing dwelling unit or dwelling site densities that exceed standards in this part may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Section 7.7 Expansion to Existing Resorts

A. **Permit Required:** The following types of expansions to existing resorts and other planned developments-class II are allowed with a land use permit:

1. Replacement of existing cabin or rental unit.
2. Decks
3. Additions individual resort cabins or the lodge.
4. Accessory structures, including water oriented accessory structures.

DRAFT

5. Alterations of the footprint for the purpose of building, fire, accessibility and other code requirements may be allowed as per Minnesota Statute 103F.227.
6. Alterations of nonconforming cabins may be allowed if all other provisions of the ordinance are met or as per Minnesota Statute 103F.227.

The following standards shall apply:

1. Overall capacity of the resort is not expanded by more than one unit or 10%, whichever is greater.
2. The resort or planned development shall conform to all Planned Development – Class II standards.
3. The resort or planned development shall conform to all St. Louis County sewage treatment standards.
4. The expansion is intended solely for the use of guests of the resort.
5. All other provisions of the ordinance are met.
6. All standards of Minnesota Statute 103F.227 shall be met.
7. Replacement due to fire or natural disaster shall conform to *Article IV, Section 4.7* or state statute requirements.

B. **Conditional Use Permit Required:** The following types of expansion to existing resorts and other planned developments-Class II are allowed with a conditional use permit:

1. New waterfront operations.
2. New commercial operations.
3. Expansion beyond one unit or 10 percent.
4. New commercial planned developments.
5. A change in use of the resort that did not previously exist.

The following standards shall apply:

1. The resort or planned development shall conform to all Planned Development – Class II standards.
2. The resort or planned development shall conform to all St. Louis County sewage treatment standards.
3. All other provisions of the ordinance are met.
4. All local, state, and federal standards or code requirements are met.

ARTICLE VIII ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW

Section 8.1 General

A. **Planning Director's Responsibilities**: This ordinance shall be administered by the St. Louis County Planning and Community Development Director. The Director, or designee, shall provide assistance to any applicant in preparing an application; advise the applicant as to the provisions of this ordinance; and shall conduct an inspection program. The Director or designee shall review and make decisions on wetland replacement plans,

DRAFT

banking plans, exemptions, no-loss and wetland boundary and type determinations and is responsible for administering the Minnesota Wetland Conservation Act.

B. **Existing Violations**: No permit application will be accepted from landowners or their agents on property on which there are current or past unresolved violation(s) of any St. Louis County ordinance unless St. Louis County determines that the permit is a part of resolving the violation(s).

C. **Voiding of Permits Issued in Error**: Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. Any permit issued on the basis of a mistake in fact or law, whether the mistake is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Director to notify the property owner upon discovery of an erroneous application.

D. **Administrative Fees and Restoration**: Any application for a permit that is made after the work has commenced and which requires a permit or is done in violation of a permit shall be charged an additional administrative fee determined by the Director based upon County Board approved rates verified by the County Auditor. In addition, the Planning Commission or Board of Adjustment may require correction and/or restoration of the property to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit.

E. **Administrative Determinations**: Administrative determinations are to be made by the Director. Should a question or problem arise concerning an approved variance, conditional use permit, interim use permit, land use permit, or an existing use or structure, any person may request a review of the matter by the Director. Such a request shall be in writing and shall detail the problem and location of the subject property.

1. The Director may investigate the matter and take appropriate action.
2. Any person taking exception to the Director's determination may appeal to the Board of Adjustment, by letter, in the manner described in *Section 8.8 B.6* of this article without the necessity of appealing directly to district court.
3. Decisions by the Director or designee on wetland replacement plans, banking plans, exemptions, no-loss, boundary and type determinations are final unless appealed to the Board of Adjustment by written notice, within 30 days of the date on which notification was mailed. Appeal hearings will be conducted in conformance with the standards for variance hearings set forth in *Section 8.6* of this Article.
4. Any person wishing to appeal the decision of the Board of Adjustment may appeal to district court in the manner described in *Section 8.6* of this Article. Wetland decisions are final unless appealed to the Board of Water and Soil Resources within 30 days of the date on which notification of the decision was mailed.

DRAFT

F. **Notification to the Department of Natural Resources**: Approved shoreland ordinance amendments and plats, and final decisions granting variances, interim uses or conditional uses under this ordinance must be sent to the DNR and postmarked within ten days of final action.

Section 8.2 Enforcement

A. **Investigations**: The Director shall use his or her discretion to investigate violations of this ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and if compliance is not obtained within a reasonable period of time, shall report such violations to the County Attorney.
   1. Taxpayers within the county may institute mandamus proceedings to compel specific performance by proper officials in reference to administration or enforcement of the zoning ordinance.
   2. In addition to remedies in criminal law, St. Louis County may enforce all provisions of this ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The County Board, or any member thereof, upon notification from the Director, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The County Board may at a later date vote to discontinue proceeding.

B. **Misdemeanor Penalty**: Any person, firm or corporation, or other entity who violates or intentionally aids, advises, hires, counsels or conspires with or procures against another or others to violate or circumvent the requirements of this Ordinance shall be guilty of a misdemeanor. All fines for violation shall be paid to the county and shall be credited to the general revenue fund.

C. **Refusal to Comply**: In the event that an applicant or applicant's authorized representative violates, neglects or refuses to comply with the conditions, performance standards or dimensional requirements imposed upon the proposed or established use or structure as a condition of granting the permit for said use or structure, the applicant shall be notified by the Director in writing by mail or in person of those requirements that are not in compliance. The following timelines are established:

   1. A person shall have no more than 30 days from the date the notification was mailed or hand delivered to satisfy said requirements or be subject to the revocation of said permit; or
   2. A person shall have no more than 30 days from the date the notification was mailed or hand delivered to make appeal to the appropriate body.

D. **Compliance Orders**: Compliance orders shall be issued when the Planning and Community Development Department has probable cause that an activity regulated by this or any other county ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a compliance order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied,

DRAFT

any administrative fees paid, and the compliance order lifted. A certificate of satisfactory compliance will be issued upon rectification of the violation. When a compliance order is not lifted because of refusal to comply, the compliance order will be recorded against the property. Once the compliance order is satisfied, a certificate of satisfactory compliance shall be filed on the deed.

E. **Citations**: The Planning and Community Development Department or Sheriff's Office may issue citations for violations of this ordinance.

1. Citations shall contain the following information:
   a. The name and address of the person charged with a violation or the owner or person in charge of the premises at which the violation occurs.
   b. The date and place of the violation.
   c. A short description of the violation followed by the section of the ordinance violated.
   d. The date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such person's arrest.
2. The citation shall be issued to the person charged with the violation, or in the case of a corporation or unit of government, to any officer or agent authorized to accept such issuance. The citation shall be issued to the person charged pursuant to Minnesota Rules of Criminal Procedure.

F. **Inspections**: All persons involved in land development activity shall allow free access to authorized representatives of the county at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the official controls of St. Louis County. Failure of such persons to allow an inspection shall be considered a violation of this ordinance and the Director shall have the authority to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit.

G. **Private Party Cause of Action:** In the event St. Louis County chooses not to pursue an action for injunctive relief, any property owner negatively impacted by a violation of this Ordinance may bring an action to prevent, restrain, correct, or abate violations or threatened violations. The county shall be notified of such actions and shall not be made a party in the case.

Section 8.3 Interim Uses

A. Purpose: To allow a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

B. Review and Approval: Any use listed in this ordinance as, or determined by the Director to be, an interim use may be permitted only after an application for an interim use permit has been reviewed and approved by the Planning Commission, based on the following criteria:

DRAFT

1. The use conforms to the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that the governing body deems appropriate for permission of the use.
5. The use must meet the conditional use permit process in *Article VIII, Section 8.4*.
6. Any interim use may be terminated by a change in zoning regulations.

C. Process: Interim use permits will be processed according to the public hearing procedures for conditional use permits found in this ordinance.

D. Additional Conditions: In permitting an interim use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this ordinance, additional conditions necessary to protect the interests of the surrounding area.

E. Termination of Interim Use Permit: An interim use will terminate and become void upon the occurrence of any of the following events:

1. The termination date stated in the permit is reached.
2. A violation of any condition under which the permit was issued.
3. A change in the applicable zoning regulations which no longer allows the use.
4. The operator/owner or the use changes.
5. The permit is not utilized within a period of one year from the date issued.

F. Expiration of Interim Use Permit: An interim use permit may not be granted for a period of greater than five years. The use will terminate upon a date or event that can be identified with certainty. The period of time for which the interim use is to be granted will terminate before any adverse impacts are felt upon adjacent properties. A land use permit can be extended for up to an additional five years without a public hearing if the following conditions are met:

1. An application and fee to extend the permit is submitted 120 days prior to the expiration date of the permit.
2. All minimum conditions of this ordinance and conditions approved as part of the public hearing are being followed.

Section 8.4 Conditional Uses

A. **Review and Approval**: Any use listed in this ordinance as, or determined by the Director to be, a conditional use may be permitted only after an application for a conditional use permit has been reviewed and approved by the Planning Commission.

B. **Application, Hearings, Decisions, and Conditions**

DRAFT

1. **Applications**:
   a. An application shall be filed with the Director on a proper form provided for that purpose, and shall be submitted in a timely manner as prescribed by the Planning Commission in its rules of procedure.
   b. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information required to make clear the nature of the request and proposed use.
   c. The application shall be accompanied by the required fee.
   d. The Director shall reject any application not accompanied by the required fee or by other material and information as required by this ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within 10 days of the decision.
2. **Public Hearing Required**:
   a. The Planning Commission shall conduct a public hearing on each application. Written notice shall be sent to property owners of record within 500 feet of the affected property in incorporated areas, and within 1/4 mile, or the nearest 10 owners, whichever is greater, in unincorporated areas.
   b. Such public hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Planning Commission.
3. **Decisions**: Decisions of the Planning Commission on applications shall be made according to the general criteria and requirements for such permits as listed in *Section 8.4 C* of this Article, and to any special criteria and requirements applicable to the particular application.
   a. The Planning Commission shall render its decisions in writing within 35 days of the close of the public hearing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and according to the criteria contained in this ordinance. The vote of the commission shall be indicated on the written decision.
   b. After a conditional use permit is granted, a certified copy of the decision shall be filed with the County Recorder or Registrar of Titles. It shall be the responsibility of the Director to carry out this provision.
4. **Conditions**: The Planning Commission may impose such conditions or restrictions as it deems necessary to protect the public interest including, but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics.
   a. When appropriate, restrictive covenants may be entered into regarding such matters.
   b. A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.
   c. All conditional use permits require that any use of the affected property substantially comply with the plans and information submitted with the application.

DRAFT

C. **General Criteria and Requirements**: All classes of conditional use permits may be approved only upon the applicant demonstrating that the standards and criteria stated in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit by making such showing. If the applicant is not able to demonstrate this, the Planning Commission shall deny any application. A conditional use permit may be granted only if the following findings can be made:

1. The use conforms to the land use or comprehensive plan of the county, if any.
2. The use is compatible with the existing neighborhood.
3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.
4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.
5. When in the opinion of the Planning Commission a conditional use permit may result in a material adverse effect on the environment, the applicant may be requested by the Planning Commission to demonstrate the nature and extent of the effect.

Section 8.5 Appeals from Decisions: Appeals from Planning Commission decisions may be made as provided by law.

Section 8.6 Variances and Other Appeals

A. **General**

1. Applications for variances from the terms of this ordinance, or appeals from any order, requirement, decision or determination made by the Director shall be made to the Board of Adjustment
2. Such appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state.
3. Such appeals shall be taken to the Board of Adjustment within the earlier of 45 days of: receipt of notice from the Director of any order, requirement, decision, or determination made by the Director; or the date the order, requirement, decision, or determination, as noted in the minutes of the Board of Adjustment, is recorded.
4. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

B. **Applications, Hearings, Decisions, and Criteria**

1. **Applications**:
   a. An application for a variance shall be filed with the Director on a proper form provided for that purpose. Other appeals shall be filed in a manner prescribed by the Director.

DRAFT

b. Appeals applications shall be filed in a timely manner in advance of a scheduled hearing date as the Board of Adjustment may provide in its rules of procedure.
c. Application forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.
d. The application shall be accompanied by the required fee.
e. The Director shall reject, and refuse to refer to the Board of Adjustment any application not accompanied by the required fee or by other materials and information as required by this ordinance.

2. **Hearings**:
   a. The Board of Adjustment shall conduct a public hearing on each appeal.
   b. The Board of Adjustment shall set a reasonable time for the hearing of the appeal and shall give due notice thereof as provided for in this article.
   c. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board of Adjustment.
3. **Decision**:
   a. Decisions by the Board of Adjustment shall be made within 35 days of the date a public hearing is closed.
   b. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.
   c. The Board of Adjustment shall render its decisions in writing stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this ordinance.
   d. A certified copy of any order issued by the Board of Adjustment acting upon any appeal shall be filed with the County Recorder or Registrar of Titles for record. The order shall include a legal description of the property involved. It shall be the responsibility of the Director to carry out this provision.
   e. After any appeal to the Board of Adjustment has been approved, the appellant shall have 60 days, after receipt of notice of the decision, to make application to the Director for any permit necessary to begin the structure or the use for which the appeal was made.
4. **Criteria for Decisions**:
   a. The Board of Adjustment shall always act with due consideration to promoting the public health, safety, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.
   b. Variances:
      i. The Board of Adjustment may authorize a variance from the terms of this ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty would be created by carrying out the strict letter of the ordinance, and when the terms of the variance are consistent with

DRAFT

the spirit and intent of this ordinance and with the county's land use or comprehensive plan, if any.

ii. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties" as used in connection with granting a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance. No variance may be granted that would allow any use that is prohibited in the zone district in which the subject property is located.

iii. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.

iv. It shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.

v. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

vi. When an applicant seeks a variance for additions or alterations to a lot or structure that have already commenced, it shall be presumed that the changes to the lot or structure were intentional and the plight of the landowner was self-created, as per Minnesota Statutes, section 394.27, subdivision 7 and all acts amendatory thereof.

vii. The essential character of the locality where a variance is requested shall be evaluated based on compliance with zoning regulations and variances that existed at the time the locality was developed, as well as on compliance with the purposes of this ordinance.

~~v.~~viii. Presumptions contained in this section are rebuttable by the applicant.

c. Other Appeals:

i. The Board of Adjustment may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

C. Appeals from Board of Adjustment Decisions: All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after the receipt of notice of the decision, to the district court of the county on questions of law and fact.

DRAFT

Section 8.7 Amendments

A. **General**: This ordinance, and the zoning map, may be amended whenever the public health, safety, and general welfare would best be served by such amendment, in accord with the county's comprehensive or land use plan, if any, by the procedures set forth in this Article.

~~A.~~

B. **Zoning Ordinance Text**:

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

1. An amendment to this ordinance text may be initiated by the County Board, citizen, town board, or Planning Commission. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing, and report to the County Board in writing.
2. Public hearings on text amendments by the Planning Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinances by counties, and by the standards set forth in *Section 8.8* of this Article.
3. After conducting a public hearing on an ordinance text amendment, the Planning Commission shall report in writing to the County Board within 30 days of the close of the hearing. Upon filing of a report by the Planning Commission, the County Board, in the manner prescribed by Minnesota Statutes, may by ordinance adopt the amendment or any portion thereof as it deems advisable.

~~B.~~C. **Zoning Ordinance Map**:

1. An amendment to the zoning map may be initiated by the County Board, the Planning Commission, by the property owner of record, or authorized representative or town board in which the property is located.
2. The Planning Commission shall conduct at least one public hearing on all proposed zoning map amendments and report to the County Board in writing within 20 days of the close of the hearing(s).
   a. The Planning Commission shall give notice of public hearings for zoning map amendments in the manner prescribed in this Article.
   b. The Planning Commission's report to the County Board shall contain a statement of the evidence relied upon, the factual determinations made from the evidence, and the criteria used in reaching its recommendation.
   c. Failure of the Planning Commission to report to the County Board within the herein prescribed time shall be deemed to be recommendation for approval by the Planning Commission of the proposed amendment.
3. Upon the filing of a report by the Planning Commission or upon expiration of the 20 day period, the County Board may, by resolution, adopt the amendment or any portion thereof as it deems advisable.
4. Once an amendment has been acted upon by the County Board, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel of

DRAFT

property be heard or considered by the Planning Commission or the county for at least 12 months.

5. Criteria for Zoning Map Amendments:
   a. Amendments to the zoning map shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist:
      i. The proposed zoning shall be consistent with the comprehensive or land use plan adopted for the county. The procedure for amendments to the land use plan is discussed in Ordinance 27.
      ii. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan, and without benefit to the community.
      iii. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.
      iv. Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.
      v. In the case of down zoning, which is the changing of a zone district from a higher or more intensive use to a lower or less intensive use, the proposed zoning shall allow the property owner a reasonable use of the property under the terms of this ordinance, as well as serve the public interest.

Section 8.8 Hearings and Hearing Notices

A. **General**: As prescribed in this ordinance, public hearings shall be held before any zoning ordinance text amendment, zoning map amendment, conditional use permit, variance appeal, or other appeal that may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

B. **Hearing Notices**:

1. Notice shall be given to the public for each required public hearing as prescribed in this section.
2. Zoning Ordinance Text Amendments:
   a. Notice of public hearings regarding zoning ordinance text amendments shall be published in the official newspaper of this county.
   b. Written notice of public hearings on all text amendments shall be sent to the governing bodies of all towns and municipalities located within the county.
3. Zoning Ordinance Map Amendments:
   a. For map amendments initiated by petition of the property owner, notice of the time, place, and purpose of the hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least 10 days before the hearing. Written notice providing the same information shall be sent to all

DRAFT

property owners of record within 500 feet of the affected property in incorporated areas, and within 1/2 mile of the affected property in unincorporated areas, to the clerk of the affected town board of supervisors, to the municipal council of any municipality within two miles of the affected property, and to the applicant.

b. For map amendments initiated by the County Board or Planning Commission, notice shall be given in the manner prescribed in *Section 8.8 3. a.* of this Article except that, in instances of a township or county-wide amendment resulting from the recent completion of a comprehensive plan or plan amendments, written notice need not be sent to property owners of record.

4. Conditional Use Permits:
   a. For all conditional use permit applications, written notice shall be sent to property owners of record within 500 feet of the affected property in incorporated areas, and within 1/4 mile, or the nearest 10 owners, whichever is greater, in unincorporated areas.
5. Variance Appeals:
   a. Written and published notice of hearings on variance appeals shall be sent to property owners of record within 500 feet of the affected property, and a minimum of five property owners shall be notified.
6. Other Appeals:
   a. When an appeal is taken from any order, requirement, decision or determination of the Director, if such appeal is regarding the application of this ordinance to specific properties, written and published notice shall be given in the same manner as prescribed in this ordinance.
   b. When such appeal affects the interpretation and application of this ordinance in general, and not to specific properties, notice shall be published in the official newspaper of the county at least 10 days before the hearing, and shall be sent to the applicant.
   c. Notice shall also be provided to the Director.

C. **Hearing Procedures**: Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this ordinance, and of the rules of procedure of the Planning Commission or Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.

Section 8.9 Planning Commission and Board of Adjustment Rehearing

A. **Responsibility of Director**: The Director may determine and place on the agenda of either the Planning Commission or Board of Adjustment a matter that has been previously heard by either body. The basis for such rehearing shall be the following:

1. An irregularity in the proceedings of either body whereby the Director determines that the person requesting the rehearing was deprived of a fair hearing, and that if the irregularity had not taken place, the decision-making body would have likely made a different decision.
2. Misconduct of a member of the decision-making body.

DRAFT

3. Material evidence newly discovered which, with reasonable diligence, could not have been found and produced at the hearing and that would have likely resulted in a change in the final outcome of the decision.
4. Errors of law occurring at the hearing and objected to at the time of the hearing.
5. Conditions have changed requiring a re-examination of the original conditions of a permit.

B. **Rehearing Denial**: The Director shall not order a rehearing when a land use permit has been issued on the proposed activity.

C. **Rehearing Procedure**: All rehearings shall be scheduled as soon as possible and, once scheduled, no land use permit may be issued for the proposed activity. All hearings shall follow the same procedures as was required by the original permit. The Board of Adjustment or Planning Commission, after the close of public testimony, may take the following action:

1. Affirm the previous decision.
2. Adjust conditions placed on the previous decision.
3. Reverse the decision.
4. Only members of the decision making body who were present for the original decision may vote on the rehearing action. If less than six members of the Planning Commission or five members of the Board of Adjustment are eligible to vote on the matter, there shall be a new application on the proposal.

Section 8.10 New Application after Denial

A. **Basis for a New Application**: The Director may permit a new application for a project previously acted upon by the Board of Adjustment or Planning Commission based on at least one of the following criteria:

1. The new application is determined by the Director to be significantly different from the earlier application.
2. The intent of the standards for rehearing listed in *Section 8.9* above are met.
3. New state, federal, or local regulations are in effect which would alter the review of the application by the decision-making body.
4. Development pattern of the area has changed in a manner which would alter the findings made by the decision-making body.
5. The decision-making body in its original decision stated terms for reapplication.

B. **No New Application**: No new application will be allowed if the intent of the applicant is to cause numerous hearings on a similar issue in order to either disrupt the review process, obtain a new vote based on a perceived difference in the decision-making body, or cause property owners and interested citizens to have to attend numerous hearings.

DRAFT

Section 8.11 Permit or Variance Revocation

A. **Recording Decisions**: All decisions made by the Board of Adjustment or Planning Commission may be recorded immediately. No land use permit will be issued until the conditions stated in the approval are implemented by the applicant. It shall be the responsibility of the Director to determine if the conditions for permit issuance are being implemented. If the conditions are not being implemented and no land use permit is issued, no revocation of a permit is required prior to commencing appropriate legal action to compel compliance. No revocation hearing is required if the landowner of a parcel no longer wishes to continue a use for which a conditional use permit was issued. The landowner may make a request in writing to the Director to revoke the conditional use permit.

B. **Inactive Permits**: If no application for a land use permit has been applied for within two years of conditional use or variance approval, a permit may be revoked if the following takes place:

1. The Director shall inquire of the conditional use or variance decision holder as to whether the property is going to be developed.
2. The Director determines that the holder of a conditional use or variance decision no longer intends to develop the property for the purpose for which the decision was made. Pending legal action, or applications for approval by other government entities, shall be construed by the Director as evidence that the holder of the conditional use or variance approval does intend to develop the property.
3. The conditional use or variance holder shall have 60 days to respond. Failure to respond shall result in permit revocation. If the decision holder responds, the Director may take any of the following actions:
   a. Take no action, which will continue the decision for one year.
   b. Record a statement of decision termination if the holder states that the property will not be used for the original purpose.
   c. Turn the issue over to the appropriate body for a formal revocation hearing.

If a decision holder applies for another conditional use or variance which is intended as a substitute for a previously approved permit, the original permit shall be terminated by the Director.

All conditional use permit termination notices shall be recorded in the County Recorder's Office.

C. **Permit Noncompliance**:

1. Upon issuance of a land use permit for a variance, conditional use, performance standard or any other permit, the Director shall monitor compliance with the terms of the permit. If the Director determines that a violation has taken place, notification shall be given to the applicant of the nature of the violation and the steps needed to

DRAFT

correct it. If the Director determines that corrective steps are either not possible, or that the applicant is unwilling to take such steps, the permit may be revoked.

2. Appeals of a revocation order shall be made to the Board of Adjustment. The Director may, in lieu of revocation, refer the issue to the originating decision-making body for a determination and action. The originating body shall hold a public hearing on the issue in the same manner as the original permit. The body may find that the violation did not take place or was not material to compliance with the intent of the permit, or it may alter the terms of the permit conditions, or it may revoke the permit. Revocation decisions by the Planning Commission or the Board of Adjustment may be appealed to district court.

Section 8.12 Interpretation of Decision

The Director shall be responsible for interpreting the decisions of the Planning Commission or Board of Adjustment. The Director may refer an issue to the original decision-making body for an interpretation and that body may restate the conditions in a manner that clarifies the original action.

Section 8.13 Notification Procedures for North Shore Management Board

A. Copies of all adopted or amended ordinances regulating the use of land within the Lake Superior Management Area will be sent to the North Shore Management Board.

B. Copies of all approved variances, conditional uses, new subdivision plats and approved planned development plans will be sent to the North Shore Management Board.

ARTICLE IX PLANNING COMMISSION

Section 9.1 Creation

The County Board hereby creates a Planning Commission pursuant to Minnesota Statutes, section 394.30 and all acts amendatory thereof.

Section 9.2 Membership

A. **Regular Voting Members**

1. The Planning Commission shall consist of no more than nine voting members, who shall be appointed by the County Board as provided in this ordinance, all of whom shall be residents of St. Louis County.
2. A majority of the voting members, exclusive of the county commissioner member, shall reside in the unincorporated areas under the jurisdiction of the county.
3. One voting member shall also be a member of the County Board.
4. No more than one voting member shall be an officer or employee of the county.

DRAFT

B. **Ex-officio Members**: The following county officers or employees or their representative area hereby designated as ex-officio, non-voting members of the Planning Commission:

1. County Surveyor
2. County Attorney
3. County Environmental Services
4. County Highway Engineer
5. County Land and Minerals Commissioner
6. County Planning and Community Development Director
7. County Assessor
8. County Extension Director
9. Town Appointed Liaison
10. County Recorder
11. County Administrator
12. Soil and Water Conservation District, or Soil Conservation Service Representative

Section 9.3 Appointments

A. **Method of Appointment**

1. The County Board shall fill all expired terms to the extent possible prior to the first regularly scheduled meeting of the Planning Commission in January of each year. The County Board shall fill all other vacancies within 60 days of the vacancy taking place.

B. **Terms of Office**

1. Except as provided below, each member of the Planning Commission shall be appointed to serve for a period of three calendar years.
2. The County Board member serving on the Planning Commission shall be appointed for a term of one calendar year.
3. Each calendar year shall be presumed to run from the date of the first required meeting of the County Board in a given year to said meeting date in the next following calendar year.

C. **Vacancies**

1. Appointments shall be made by the County Board to fill any vacancy for the unexpired duration of the term.
2. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
   a. Death of a member.
   b. Resignation of a member.
   c. Removal of a member for cause as provided in this ordinance.

DRAFT

Section 9.4 Removal for Cause

The County Board shall remove any member of the Planning Commission if there is sufficient cause reported to the board by either the chair of the Planning Commission or the Director. Sufficient cause includes any of the following conditions:

A. Failure of the member to attend 1/3 of the regularly schedule commission meetings in any 12 month period.

B. Failure of the member to attend 3 consecutive regular Planning Commission meetings, or to attend 4 consecutive regular and special Planning Commission meetings.

C. Attendance at several regular or special Planning Commission meetings for such a short length of time as to render the member's services of little value to the county. The County Board shall make judgment on such matters after receiving a report of the chair or the Director as provided in this section.

D. Violation by the member of any land use control ordinance adopted by the county pursuant to Minnesota Statutes, section 394.21 to 394.37, and all acts amendatory thereof.

E. Any change in residency status from unincorporated to incorporated, if the change causes the makeup of the commission to be inconsistent with this Article.

F. Inability to carry out the duties of the Planning Commission due to a conflict of interest.

Section 9.5 Organization and Procedures

A. **Officers**

1. The Planning Commission shall elect a chair and vice-chair from among its regular members, and the secretary shall be the Director.

B. **Rules of Procedure**

1. The Planning Commission shall adopt rules for the transaction of its business which shall be consistent with the statutes of the state of Minnesota and the ordinances of this county.

C. **Meeting**

1. The meetings of the Planning Commission shall be held at the call of the chair and at such other times as the commission in its rules of procedure may specify.
2. All meetings of the Planning Commission shall be open to the public pursuant to Minnesota Statutes.

DRAFT

D. **Voting**

1. Each regular member, including the chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting, due to a potential conflict of interest, shall also extend to discussion. Testimony, however, may be offered.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
3. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Planning Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to *D.2* above.
4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge the Planning Commission shall decide the question pursuant to *D.2* of this section.
5. Ex-officio members of the Planning Commission shall not have the right to vote on any issues before the Planning Commission.

E. **Records**

1. The Planning Commission shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 9.6 Authority and Duties

A. **Plan Preparation and Review**

1. The Planning Commission shall cooperate with the Director and other employees of the county in preparing and recommending to the County Board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
2. The Planning Commission, in conjunction with the Director, shall review any comprehensive, land use, or other plans, or any official controls sent to the county for review by any local unit of government, any council of governments, or any regional, state or federal agency and shall report thereon in writing to the County Board.

B. **Public Hearings**

1. The Planning Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, all subdivision platting proposals, and other matters as may be prescribed by ordinances of this county.

DRAFT

a. The Planning Commission shall have the final authority to approve or deny all conditional use permit applications and direct the issuance of conditional use permits.
b. On all other matters which are before the Planning Commission for public hearing, the commission shall report in writing to the County Board.

2. The Planning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other ordinances of this county.

Section 9.7 Compensation

The voting members of the Planning Commission, other than the member of the County Board, may be compensated in an amount determined by the County Board. All voting members of the Planning Commission, including the member of the County Board, may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission. Payment of a per diem to the County Board member shall be pursuant to Minnesota Statutes, section 375.06.

ARTICLE X BOARD OF ADJUSTMENT

Section 10.1 Creation

The County Board hereby creates a Board of Adjustment pursuant to Minnesota Statutes, section 394.27 and all acts amendatory thereof.

Section 10.2 Membership

A. The Board of Adjustment shall consist of no more than 7 members who shall be appointed by the County Board as provided in this ordinance, all of whom shall be residents of St. Louis County.

B. A majority of the members of the Board of Adjustment shall reside in the unincorporated areas under the jurisdiction of the county.

C. At least 1 member shall also be a member of the St. Louis County Planning Commission.

D. An appointed liaison from each town may be appointed as a non-voting ex-officio member.

E. No elected officer of the county nor any employee of the County Board shall serve on the Board of Adjustment.

DRAFT

Section 10.3 Appointments

A. **Method of Appointment**

1. The County Board of Commissioners shall, prior to the first regularly scheduled meeting of the Board of Adjustment in January of each year, fill all vacancies resulting from expired terms to the extent possible. The County Board shall fill other vacancies within 60 days of the vacancy taking place.

B. **Terms of Office**

1. Except as provided below, each member of the Board of Adjustment shall be appointed to serve for a period of 3 calendar years.
2. Each calendar year shall be presumed to run from the date of the first required meeting of the County Board in a given calendar year to said meeting date in the next following calendar year.

C. **Vacancies**

1. Appointments shall be made by the County Board to fill any vacancy for the unexpired duration of the term.
2. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
   a. Death of a member.
   b. Resignation of a member.
   c. Removal of a member for cause as provided in this ordinance.

Section 10.4 Removal for Cause

The County Board shall remove any member of the Board of Adjustment if there is sufficient cause reported to the board by either the chair of the Board of Adjustment or the Director. Sufficient cause includes any of the following conditions:

A. Failure of the member to attend 1/3 of the regularly scheduled Board of Adjustment meetings in any 12 month period.

B. Failure of the member to attend 3 consecutive regular Board of Adjustment meetings, or to attend 4 consecutive regular and special Board of Adjustment meetings.

C. Attendance at several regular or special Board of Adjustment meetings for such a short length of time as to render the member's services of little value to the county. The County Board shall make judgment on such matters after receiving a report of the chair or the Director as provided in this section above.

DRAFT

D. Violation by the member of any land use control ordinance adopted by the county pursuant to Minnesota Statutes, sections 394.21 to 394.37, and all acts amendatory thereof.

E. Any change in residency status from unincorporated to incorporated, if the change causes the makeup of the board to be inconsistent with this Article.

F. Inability to carry out the duties of the board due to a conflict of interest.

Section 10.5 Organization and Procedures

A. **Officers**

1. The Board of Adjustment shall elect a chair and vice-chair from among its members, and the secretary shall be the Director.

B. **Rules of Procedure**

1. The Board of Adjustment shall adopt rules for the transaction of its business which shall be consistent with the statutes of the state of Minnesota and the ordinances of this county.

C. **Meetings**

1. The meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board of Adjustment in its rules of procedure may specify.
2. All meetings of the Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.

D. **Voting**

1. Each member, including the chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
3. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Board of Adjustment shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to this ordinance.
4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board of Adjustment shall decide the question pursuant to this ordinance.

DRAFT

E. **Records**

1. The Board of Adjustment shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 10.6 Authority and Duties

A. **Variances**

1. The Board of Adjustment shall have the exclusive authority to order the issuance of variances from the terms of any official control, including restrictions placed on non-conformities.
2. Requests for variances from the subdivision platting regulations of St. Louis County shall first be referred to the St. Louis County Planning Commission for a recommendation to the Board of Adjustment.
3. The Board of Adjustment shall have the exclusive authority to order the issuance of permits for buildings and uses in areas designated for future public use on an official map.
4. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and protect adjacent properties and public interests.

B. **Other Appeals**

1. The Board of Adjustment shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance or official control adopted pursuant to Minnesota Statutes.
2. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
3. Appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Director of any order, requirement, decision, or determination made by the Director.
4. The burden of moving forward on appeal and demonstrating the need for relief from an order, requirement, decision, or determination shall be on the appellant.
5. Decisions of the Board of Adjustment shall be recorded with the County Recorder.

C. **Public Hearings**

1. The Board of Adjustment shall conduct public hearings on all variance appeals and other appeals brought before it.
2. The Board of Adjustment shall set a reasonable time for the hearing of all appeals and give due notice thereof to the applicant and the officer from whom the appeal is taken

DRAFT

to the public as prescribed by Minnesota Statutes and applicable ordinances of the county.

3. Decisions by the Board of Adjustment shall be rendered on all appeals within 35 days from the date the public hearing is closed.
4. The reasons for the decision of the Board of Adjustment shall be stated in writing.
5. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination or in granting any permit, shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days after receipt of notice of the decision, to the district court in the county in which the land is located, on questions of law and fact.

D. **Other Duties and Authority**

1. The Board of Adjustment shall have such other duties and authorities as are prescribed by proper ordinances of this county.

Section 10.7 Compensation

Members of the Board of Adjustment may be compensated in any amount determined by the County Board, and may be paid their necessary expenses in attending meetings of the Board of Adjustment and in the conduct of business of the Board of Adjustment.

ARTICLE XI VALIDITY AND EXEMPTIONS

Section 11.1 Severability

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

Section 11.2 Impact Upon Other Property

Should this ordinance be declared unconstitutional or invalid in its application to any given property use, such decision shall not affect the validity or constitutionality of this ordinance as applied to other properties or uses.

Section 11.3 Federal Government

No land owned or leased by the federal government shall be subject to the provisions of the ordinance unless agreed to by the federal government.

DRAFT

Section 11.4 State Government

No land owned or leased by the state of Minnesota shall be subject to the provisions of this ordinance unless agreed to by the state government.

Section 11.5 More Restrictive Standards

More restrictive federal, state, or town regulations or standards shall take precedence over the provisions of this ordinance.

Section 11.6 Township Zoning

The following shall apply to towns that administer zoning controls:

A. This ordinance shall not apply to towns that have adopted and filed with the county recorder a zoning ordinance consistent with and as restrictive as this ordinance. The town ordinance shall remain in force in the respective town unless ruled invalid by a proper court of law. A town may not administer the wetlands provisions of this ordinance unless so authorized by state statute.

B. For the purposes of the shoreland areas, towns who administer shoreland regulations must be consistent with county controls and administration. These towns must have the same full range of shoreland provisions covered by the county, contain dimensional standards at least as restrictive as those in the county controls, and do not allow land uses in a manner not permitted under the county.

C. The town must demonstrate to the county board that their proposed ordinance within shoreland areas and administration is at least as restrictive as the county's prior to final adoption by the town. Town shoreland administration and land use districts and dimensional controls and all other standards must continue to be consistent with the county's controls.

The county may require towns to submit information to the planning director regarding compliance with the terms of this ordinance and the shoreland regulations. The Planning Commission shall review areas of dispute between the county and town regarding shoreland management.

ARTICLE XII FEES

Section 12.1 Fees

A. The county board shall establish, by resolution, a schedule of fees applicable to all permit applications, petitions, and appeals. The fee schedule resolution shall be attached to all copies of this ordinance which are distributed to the public. The schedule of fees and penalty fees may be altered or amended by county board resolution.

DRAFT

B. No application for a zoning permit, conditional use permit, planned unit development permit, or any other required permit, nor any petition or amendment of the zoning ordinance map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued, or granted unless and until all required fees have been submitted in full by means of cash, check, or money order to the planning director. Receipt of fees shall be subject to their collection by the county. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectible.

C. Should a permit, petition, or appeal be denied, the fee shall not be refunded.

DRAFT

Appendix I
Key Zoning Ordinance and Amendment Effectuation Dates

DRAFT

January 13, 1968: (Ord. #1)	First zoning ordinance in St. Louis County with Land Use requirements, lot area standards and setbacks.
August 14, 1972: (Ord. #14)	The original state shoreland regulations were implemented through this Ordinance. Natural Environment Lakes and Trout Streams had a 200 foot Shoreline setback.
August 8, 1977: (Ord. #24)	First zoning ordinance with dimensional districts larger than 2.5 acres.
January 1, 1982: (Ord. #35)	The first use of formulas for additions to nonconforming structures. Performance standards first added to zoning ordinance.
July 1, 1989:	This amendment to Ordinance #35 reduced the shore setback on Natural Environment Lakes and Trout Streams to 150 feet.
February 6, 1990:	Height restrictions in Shoreland areas added to zoning ordinance in this amendment to Ordinance #35.
April 23, 1991:	DNR shoreland commercial and residential planned unit development standards added to zoning ordinance.
February 16, 1993: (Ord. #46)	Revised State Shoreland regulations added adopted including bluff area standards, sanitary checkoff, Shore Impact Zone including vegetative removal and land alteration standards, and DNR river classification system but trout streams remained at a 150 foot structure setback. Lot area standards for rivers based on adjacent non shoreland lot area standards.
February 15, 1995:	St. Louis River and Vermilion River Plan river classification standards adopted. Shore Impact Zone standards for non shoreland classified lakes and rivers set at 75 feet.
March 23, 1998:	Latest amendments to zoning ordinance primarily relates to non-conforming structures but also requires permits for basements and under certain situations foundations.
November 1, 2000:	Salvage yard amendments relating to definitions and private storage of material. No change in commercial salvage yard regulations.
September 1, 2002:	Natural Disaster and High Water Elevations Amendments.
July 1, 2003:	Utility Structures Amendment.
October 5, 2007:	Shooting Facilities and Motorized Off-Road Vehicles Facilities.
December 14, 2007:	Nonconformities.
July 1, 2009:	Lakeshore Commercial Overlay district added as Article V, Section 5.11.

DRAFT

November 1, 2011: Wetland Administration

May 26, 2015: Repeal of Zoning Ordinance 46 and Adoption of Ordinance 62

June 1, 2015: Ordinance 62 Effective date

(The above dates are not intended to be a complete list of all amendments to County Zoning Ordinances.)

DRAFT

EFFECTUATION

This St. Louis County Zoning Ordinance Number 62 shall take effect and be in full force on June 1, 2015, upon its adoption by the St. Louis County Board of Commissioners, and shall be published in the official newspaper(s) of St. Louis County as provided by Minnesota Statutes.

On March 12, 2015 and April 16, 2015 the Planning Commission held public hearings on the proposed ordinance. Following the hearing on April 16, 2015, the Planning Commission forwarded the ordinance to the County Board with a recommendation of approval.

On May 26, 2015, the St. Louis County Board of Commissioners adopted resolution number 15-313 which establishes Ordinance 62 as the official zoning ordinance and repeals former Zoning Ordinance 46, effective June 1, 2015.

Commissioner Nelson moved the adoption of this Ordinance, and Commissioner Jewell duly seconded the motion, and it was adopted on the following vote:

Yeas: Commissioners Jewell, Boyle, Dahlberg, Rukavina, Nelson and Vice Chair, Raukar - 6

Nays: None - 0

Absent: Chair Stauber - 1

Chair, County Board

Certified as a complete and accurate copy of Ordinance No.62 - St. Louis County Zoning Ordinance

Donald Dicklich, County Auditor

ATTEST:

Phil Chapman, Deputy Auditor
Clerk of the County Board

DRAFT