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Pine County Zoning Ordinance



Adopted January 17, 2021
Amended May 5, 2020
Amended November 13, 2020
Amended May 4, 2021
Amended April 19, 2022

Pine County Zoning Ordinance

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Section 1. Purpose and General Provisions

1.1 Title and Statutory Authorization

- 1.1.1** This Ordinance shall be known and may be referred to as the Pine County Zoning Ordinance; when referred to herein, it shall be known as “this Ordinance.”
- 1.1.2** This Ordinance is enacted to establish land use regulations in Pine County pursuant to Minnesota Statutes sections 394.21 – 394.37, as may be amended from time to time, that authorizes certain counties to carry on planning and zoning activities.

1.2 Purpose

The purpose of this ordinance is to protect the public health, safety, and general welfare of Pine County through the following objectives:

- 1.2.1** Promote orderly growth and development;
- 1.2.2** Stage development for efficient delivery of public services;
- 1.2.3** Regulate land use in a manner appropriate to the locality;
- 1.2.4** Protect community appeal and property values from incompatible land uses;
- 1.2.5** Preserve natural resources and environmental quality;
- 1.2.6** Limit congestion and promote safety along rights-of-way; and
- 1.2.7** Support the goals and recommendations of the Pine County Comprehensive Plan.

1.3 Date of Effect

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

1.4 Scope, Jurisdiction, and Relationship to Other Ordinances

- 1.4.1** **Scope**
From and after the effective date of this Ordinance, the use of all land and every building, or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Pine County’s jurisdiction, as listed in Section 1.4.4 of this Ordinance, shall be in conformity with the provisions of this Ordinance. Any existing

building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, and subject to the provisions of Section 2.12 of this Ordinance.

1.4.2 Jurisdiction Opt-in

The jurisdiction of this Ordinance shall apply to any township or incorporated city that has passed a resolution to “opt-in,” to County administered zoning through the following procedure:

- A.) Township or City submits letter of interest to Zoning Administrator.
- B.) Zoning Administrator will provide the township or city a standardized Opt-in Resolution as well a map of the township or city for the township or city to draw their own zoning map using the districts described in Section 3.1 of this Ordinance. The Zoning Administrator will assist the township or city in populating their map.
- C.) Township or city will submit the adopted Opt-in Resolution to the Zoning Administrator with accompanying zoning map of their jurisdiction.
- D.) Zoning Board will review the submitted zoning map and follow the procedure for ordinance amendment as described in Section 2.8 of this Ordinance.
- E.) The township or city will not be covered by this Ordinance until adopted as an ordinance amendment by the County Board. Following the provisions of Section 2.8 of this Ordinance, the County Board reserves the right to not adopt the new area of zoning based on recommendation of Zoning Board, Zoning Administrator, or public hearing.

1.4.3 Jurisdiction Opt-out

Any township or incorporated city that is covered by this Ordinance may opt out through the following procedure:

- A.) Township or city is encouraged to contact Zoning Administrator, Zoning Board, or County Board with any concerns for the content of this Ordinance or its administration prior to opting out.
- B.) Township or city will pass standardized Opt-Out Resolution, as provided by Zoning Administrator, and submit it to the Zoning Administrator.
- C.) Removing the township or city will be considered an ordinance amendment and shall follow the procedure established in Section 2.8 of this Ordinance.

1.4.4 Townships and Cities that have Opted in

- A.) Nickerson Township, adopted 01/21/2020
- B.) City of Kerrick, adopted 01/21/2020
- C.) City of Denham, adopted 01/21/2020

- D.) New Dosey Township, adopted 05/05/2020
- E.) Kerrick Township, adopted 11/03/2020
- F.) Pine Lake Township, adopted 04/19/2022

1.4.5 Relationship to Other Ordinances

- A.) The Pine County Shoreland Management Ordinance, Pine County Floodplain Management Ordinance, and Kettle River Wild and Scenic River Ordinance shall serve as overlay districts. Properties within townships and cities that are under the jurisdiction of this Ordinance and are also in the Shoreland District, Floodplain District, or Kettle River Corridor, shall follow the requirements of all applicable ordinances.
- B.) Except as provided in Section 1.4.5D, where the conditions imposed by any provisions of this Ordinance are either less restrictive than, or comparable to conditions imposed by another ordinance, rule or regulation of the townships, County, State, or Federal government, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections, and covenants, the provisions of this Ordinance shall apply.
- C.) Except as provided in Section 1.4.5D, properties undergoing subdivision of land shall follow all provisions of this Ordinance in addition to the Pine County Subdivision and Platting Ordinance, the Pine County Shoreland Management Ordinance, the Pine County Floodplain Management Ordinance, the Kettle River Wild and Scenic River Ordinance and any other County ordinance that addresses subdivision of land.
- D.) Properties within the jurisdiction of the Pine County Shoreland Management Ordinance or Kettle River Wild and Scenic River Ordinance shall follow the minimum lot sizes and dimensional requirements of those ordinances in cases where the lot sizes and dimensional requirements of this Ordinance are more restrictive.

1.5 Severability

It is hereby declared that provisions of this Ordinance are severable in accordance with the following.

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

judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

1.6 Definitions

Airports and Heliports: Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used for or intended for use for port buildings or other port structures of rights-of-ways. Includes private airstrips.

Assisted Living: An establishment providing sleeping accommodations serving greater than six (6) but no more twelve (12) adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee one or more regularly scheduled health related services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or an establishment that registers under Minnesota Statute Section 144D.025.

Automobile Service Station: A place where motor vehicle fuels, motor oil, and lubricants for operation of automobiles, are offered directly for retail sale to the public on premises; and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

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

Building Line: A line running parallel with the lot line at the required setback beyond which a structure may not extend.

Campground: An area, whether public or privately owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five (5) or more tents or recreational camping vehicles.

Commercial Outdoor Recreation: The use of the land or building(s) for which fees are charged for a recreational activity, or use of the land to gain access to a recreational activity or resource, public or private.

Commercial Solar Energy System: A Solar Energy System whose capacity is rated at less than 50 megawatts (MW) of power and is designed to supply energy for off-site users or export to the wholesale market.

Commercial Wind Energy System: A Wind Energy Conversion System or combination of Wind Energy Conversion Systems that are designated to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 kilowatts (kW) or more.

Communication Tower: Licensed commercial wireless telecommunication services and similar support facilities, including antennae.

Contractor's Yard/Construction Yard: A site used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, transport/hauling or a similar trade.

Daycare Facility: A licensed day care facility serving ten (10) or fewer persons, or a group family licensed day care facility serving fourteen (14) or fewer children.

Duplex/Triplex: Single residence providing two (2) or three (3) separate living units.

Essential Services or Essential Service Systems: Above ground or underground electrical, gas, communication, steam, liquid or sewer systems for collection, distributing or transmission purposes, used by governmental departments, or commissions or by public utilities (including cooperatives) each having the power of eminent domain, as are required for protection of the public health, safety, or general welfare. Such systems shall include, but not be limited to, towers, poles, pole mounted appurtenances, wires, cables, conduits, pipes, sewers, drains manholes, fire alarm boxes, police call boxes, public telephone booths and accessories thereto. Electrical substations, communication repeater stations, pipe line pumping or metering stations, sewer lift stations, water wells and accessories thereto, including buildings that are an integral and protective part thereof, shall be considered as structures which are parts of such Essential Service Systems.

Extractive Use: All commercial forms of, but not limited to, gravel, sand, topsoil, quarry rock, mineral, peat, humus, sub-surface insitu-leach extraction, petroleum and any other similar uses in which material is removed from the ground.

Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals meeting the animal unit thresholds for feedlot registration in MN 7020. Areas specifically designed as a confinement areas in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be animal feedlots. Pastures shall not be considered animal feedlots.

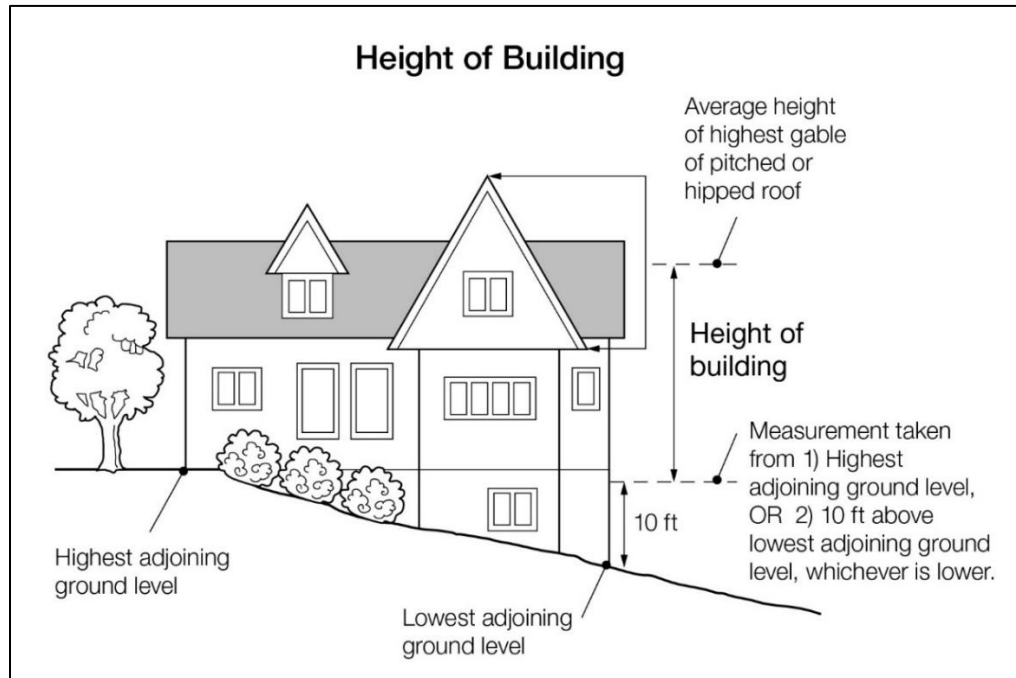
Garbage: Discarded, wasted, or spoiled food and other refuse, as from a kitchen or household.

Government Building: Operation of a property by a public entity for public purposes not included in another listed use.

Group Home: Single unit residential dwellings providing residential services for individuals who are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for people with physical disabilities, cognitive disabilities, and chemical dependency, as well as foster children, maternity shelters and half-way houses.

Guest Cottage: A structure not exceeding 700 square feet used as a short-term dwelling or rental unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Height of Building The vertical distance between the mean natural grade at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.



Home-based Business: Use of a residential property for commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence, and which shows no activity other than activity normally present in a residential dwelling unit.

Hotel/Motel: A building or group of buildings used primarily for the temporary residence or lodging of motorists or travelers.

Junk Vehicle: A vehicle that (a) is extensively damaged with the damage including such things as broken or missing wheels, motor, drive train or transmission; (b) is apparently inoperable; (c) does not display current registration; or (d) has an approximate fair market value equal to only the value of the scrap in it. For the purposes of this Ordinance, a motor vehicle with a license plate which has been expired for less than six months shall be construed as having a current plate.

- One non-habitable, discarded manufactured home, trailer, or camper is equal to five (5) junk vehicles, excepting that trailers or campers under sixteen (16) feet in length, as measured from hitch to rear, shall be equal to one (1) junk vehicle.
- One unusable, discarded boat shall be equal to one (1) junk vehicle.

Junk Storage: The accumulation of scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, non-ferrous material; inoperable and/or unlicensed motor vehicles, recreational vehicles, agricultural, or construction machinery and parts thereof,

furniture, appliances, electronics and similar debris. The accumulation of agricultural machinery, as part of commonly accepted farming activities, in the Agricultural District is exempt from this definition.

Kennel, Commercial: Any place where three or more dogs or three or more cats, over the age of four months of age are kept, bred, boarded or trained for compensation.

Kennel, Residential: Any place where three or more dogs or three or more cats, over the age of four months of age are kept for and by the resident.

Lot Depth: The mean horizontal distance between the mean front road right-of-way line and mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Lot Width: The shortest distance between lot lines measured at the midpoint of the building line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Major Appliance: Shall include but is not limited to: washers, dryers, electric and gas ranges or stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposals, trash compactors, microwave ovens, air conditioners and heat pumps.

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

Mini Storage Facility: A building consisting of individual, self-contained units that are leased or owned for the primary use of storage of business and household goods or similar supplies.

Non-commercial Solar and Wind Energy Systems: Solar or wind energy systems, which are accessory to the principal use.

Nuisance: Any property condition that is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

Off-premises Advertising Sign: A sign erected and used for the purpose of advertising a product, event, place, person or subject not related to the premises on which the sign is located.

On-premises Advertising sign: A sign erected and used for the purpose of advertising a product, event, place, person or subject related to the premises on which the sign is located.

Place of Worship: A building or space that is principally used as a place where people regularly assemble for worship.

Public Park: A park, reservation, open space, playground, beach or recreation and/or community center, which is owned, leased, or used wholly or in part by the County or a city, township, state, school district, or federal government for public recreational purposes.

Race Track: An area devoted to the racing of motor and non-motorized vehicles or animals for non-personal use, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track, but excluding gambling facilities or activities. This definition shall include mud bogs.

Resort: A commercial development that provides facilities for relaxation and recreation typically consisting of lodges or rooms for rent, restaurants and facilities for entertainment and recreation, and associated limited retail facilities providing services for guests.

Rural Tourism: Things such as farms or other historical heritage attractions, tractor/threshing shows, single family residential rental properties for retreats, retreat centers, crafting, weddings, receptions, bed & breakfasts, wineries, craft breweries and distilleries, special events or music festivals, rodeos, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise and other uses determined by the Zoning Department to be similar in nature and scope. Includes restaurants or food sales associated with these uses. Roadside farm stands are exempt from this definition and are a permitted use within all districts except the Industrial district.

Saddle Club Facility: A permanent site used by a not for profit organization comprised of members and volunteers for the enjoyment and teaching of equestrian skills and activities. Facilities on the property may include a clubhouse, arena and stables and other structures used for boarding and care of horses and club activities. The saddle club may conduct horse shows and equestrian events for the display of riding abilities. Excluding rodeos.

Salvage Yard: Any parcel within the Rural Residential, Industrial, or Commercial districts where four (4) or more junk vehicles are stored for purposes other than immediate repair; any parcel within the Agricultural District where six (6) or more junk vehicles are stored for purposes other than immediate repair; or any parcel where the commercial salvaging and scavenging of goods, articles, or merchandise is conducted outdoors.

Second Residence: A second dwelling on a single lot exceeding 800 square feet in size. Typically intended for long term residence, particularly for farms operated by multiple households.

Shooting Range: An outdoor area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include firing ranges principally used by police or military operated by any level of government.

Sign: Any device, structure, fixture, or placard using graphic, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services. Shall include but not limited to: temporary signs, off-premises advertising signs, and on-premises advertising signs

Single Residential: A structure maintained and used as a single dwelling unit.

Solid Waste Disposal Site: A solid waste land disposal facility, a construction and demolition debris land disposal facility, an industrial solid waste land disposal facility, a compost facility, a transfer station, a solid waste processing facility, a waste tire facility, a waste tire collection site, a waste tire processing facility, or a recycling facility.

Structure: Any building, mobile home or appurtenance, including decks and steel shipping containers, except aprons, sidewalks, slabs, fences, and underground utility lines.

Temporary Sign: A sign affixed, erected or maintained on a premise or lot for a limited amount of time, including, but not limited to, banners, sidewalk signs, sandwich board signs, yard signs, large portable signs, inflatables, or similar displays.

Temporary Family Health Care Dwelling: A temporary mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of this Ordinance.

Vacation Rental Home: Any home, cabin, condominium, or similar building represented to the public as a place where sleeping accommodations are furnished to the public on a nightly or weekly basis and for less than thirty days for compensation and is not a bed and breakfast, resort, hotel, or motel.

Value Added Agriculture: Manufacturing or storage processes that increase the value of agricultural commodities or processes that transform raw agricultural product into something new through packaging, processing, cooling, drying, extracting, and other processes that change the agricultural product from its original form.

Waste Tire: Rubber or other resilient material product, which is used on a vehicle or other equipment wheel to provide tread, which is discarded or which cannot be used as originally intended because it is used, damaged or defective. A tire that is used for recreational purposes on residential property, or for use in securing a cover for agricultural materials on agricultural property, is not considered to be a "waste tire".

Section 2. Administration and Enforcement

2.1 Zoning Administrator

The office of the Zoning Administrator is hereby established and may be appointed by the County Board. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the County Board.

- 2.1.1** The duties of the Zoning Administrator shall include the following:
- A.) Enforce and administer this Ordinance.
 - B.) Issue permits as required by this Ordinance and maintain accurate records of all permits and zoning administration.
 - C.) Receive and forward to the Pine County Board of Commissioners and the County Zoning Board all applications for conditional or interim use permits, applications for variance, appeals, and amendments to this Ordinance.
 - D.) Inspect all construction and development to ensure compliance with the standards of this Ordinance.
 - E.) Maintain the County Zoning Map.

2.2 Zoning Board

2.2.1 Creation and Membership

- A.) The Zoning Board, as established in Pine County Ordinance 2017-07, amending the Pine County Subdivision and Platting Ordinance, shall perform the duties of the Board of Adjustment and the Planning Commission as provided in Minnesota Statutes section 394.27 and 394.30.

2.2.2 Powers and Duties

- A.) Prepare and recommend to the County Board a comprehensive plan for the development and use of land within the County.
- B.) To conduct public hearings as required by this Ordinance and Minnesota Statute.
- C.) To review and approve or deny applications for conditional or interim use permits, following criteria of this Ordinance and Minnesota Statutes Chapter 394.
- D.) To review and approve or deny applications for variance, following criteria of this Ordinance and Minnesota Statutes Chapter 394.
- E.) To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing the provisions of this Ordinance.
- F.) Provide recommendation to the County Board for amendment of this Ordinance or its Zoning Map.

2.3 Compliance Required

The provisions of this Ordinance shall be met before:

- 2.3.1 Any structure is sited, erected, constructed, reconstructed, moved, altered, converted, or enlarged; or any land use is altered;
- 2.3.2 The subdivision or development of any lot, tract, or parcel of land occurs;
- 2.3.3 Any lot, parcel, or tract in a subdivision is sold, transferred, leased, or otherwise conveyed;
- 2.3.4 Any grading, excavation, or fill is enlarged, altered, or repaired; or
- 2.3.5 Any sign, regulated under this Ordinance, is erected or structurally altered.

2.4 Permits and Certificates

2.4.1 Zoning Permits

No person shall erect, move any building or any part of a building, or change the exterior shape of a structure without first obtaining a zoning permit from Pine County.

- A.) Structures 120 square feet or smaller, not intended for human habitation, shall be exempted from the permit requirements of this section, however, must meet all applicable setbacks detailed in Section 3.2.1 of this Ordinance.
- B.) For nonconforming structures, no permit shall be required for maintenance, repair, or remodeling where the building area coverage and/or volume is not increased.
- C.) Signs shall require permits as provided in Section 5.2.
- D.) Fences shall require permits as provided in Section 5.3.
- E.) Non-commercial, ground mound solar energy systems, used to provide on-site electricity, shall be permitted as accessory structures and subject to applicable setbacks. Non-commercial roof-mounted systems are allowed in all districts without permit.
- F.) All wind energy conversion systems, except those mounted on existing buildings, shall require a permit.

2.4.2 Permit Application

An application for permit shall be made to the Zoning Administrator on a form or forms furnished by the County. Each application for a permit to construct, move or alter a portion or all of a building shall be accompanied by:

- A.) A plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected, and
- B.) Other information that is deemed necessary for the proper enforcement of this or any other ordinance.

2.4.3 Permit Issuance

Permits shall be issued only when the plans, together with the application, comply with the terms of this Ordinance.

2.4.4 Permit Expiration

Permits shall expire one year from the date of issuance. At the time of expiration, if the Zoning Administrator determines there has been no change in applicable regulations, a permit may be extended for one additional year at no cost to the applicant. At the time a permit expires if the Zoning Administrator determines the project's construction has commenced but is not complete, a permit may be extended even if the applicable rules have changed since the original permit issuance date.

2.4.5 Certificate of Compliance

The Zoning Administrator, or their designee, shall issue a certificate of zoning compliance for each permitted activity completed, which is compliant with the provisions of this Ordinance.

2.5 Conditional and Interim Use Permits

Conditional and interim use permits shall be granted by the Zoning Board, only in accordance with Minnesota Statutes Chapter 394, including the public hearing provisions thereof and the provisions of that statute shall apply to all conditional or interim use permits issued under this Ordinance. The Zoning Board may impose conditions in the granting of conditional and interim use permits to ensure compliance and to protect adjacent properties and the public interest from any potential adverse effects.

2.5.1 Interim Use Permits

Any use listed in this Ordinance as a conditional use may, at the discretion of the County, be processed and allowed as an interim use in accordance with Minnesota Statutes section 394.303 if:

- A.) The applicant is agreeable to the permit being issued with an expiration date or event.
- B.) Such use will conform to the zoning regulations;
- C.) If the date or event that will terminate the use can be identified with certainty;
- D.) 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; and

- E.) The user agrees to any conditions that the County deems appropriate for permission of the use.

2.5.2 Unlisted Uses

The Zoning Board may consider conditional or interim uses that are not specifically listed within each zoning district provided the following findings are made:

- A.) The use is similar in nature to other conditional uses listed in the same zoning district;
- B.) The proposed use does not create a greater potential for impacts than other conditional uses listed that cannot be mitigated with appropriate conditions;
- C.) The proposed use is not incompatible with adjacent land uses; and
- D.) The proposed use is consistent with the Pine County Comprehensive Plan and the intent of this Ordinance.

2.5.3 Application

An application for a conditional or interim use permit shall be on forms provided by the Zoning Administrator, shall be signed by the owner of the property involved, and shall be submitted with such plans, maps, and other required information as deemed necessary by the Zoning Administrator for evaluation of the application.

2.5.4 Criteria

The Zoning Board shall determine that the proposed project will meet the following prior to approval of any conditional or interim use permit:

- A.) That adequate utilities, access roads, drainage, parking, and other necessary facilities have been or are being provided.
- B.) The use shall not cause traffic hazard or congestion.
- C.) Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighting in such manner that no disturbance to neighboring properties will result.
- D.) The proposed use shall be consistent with, and not harmful to, the environment of the neighborhood, taking into consideration the probable hours of operation, the activities to be conducted, and the number of people to be assembled or to use the premises at any one time.
- E.) The location and character of the proposed use are consistent with a desirable pattern or development for the general locality.
- F.) The use is consistent with the Pine County Comprehensive Plan, purpose of this ordinance, and purpose of the zoning district in which the property lies

2.5.5 Permit Validity

- A.) A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, and such use has not been expanded, intensified or changed.
- B.) A conditional use permit must be re-established if discontinued for a continuous twelve (12) month period or more.
- C.) An interim use permit shall remain in effect until the termination event established through the approval process, so long as the conditions agreed upon are observed.
- D.) A conditional use permit may be extinguished at any time upon written notice by the landowner provided to the Zoning Administrator.

2.6 Variance

The Zoning Board shall have the authority to allow variances from the requirements of this Ordinance, including restrictions placed on nonconformities, only in accordance with Minnesota Statutes Chapter 394, including the public hearing provisions thereof. The provisions of that statute shall apply to all variances issued under this Ordinance. The Zoning Board may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest from any potential adverse effects.

2.6.1 Application

An application for a variance shall be filed with the Zoning Administrator on forms prescribed by the Zoning Administrator. The application shall be accompanied by such plans, elevations, and site plans as prescribed by the Zoning Administrator and/or the Zoning Board.

2.6.2 Criteria

The Zoning Board must make all the following findings to grant a variance:

- A.) The applicant's proposed use is allowed in the subject zoning district.
- B.) The variance is in harmony with the Pine County Comprehensive Plan and the general purpose and intent of this Ordinance.
- C.) The variance will not alter the essential character of the locality.
- D.) A practical difficulty exists on the property preventing the applicant from complying with the ordinance. Practical difficulty is established when the applicant proposes to use the property in a reasonable manner not permitted by the ordinance and when the variance request is due to circumstances unique

to the property not created by the landowner. Economic considerations alone do not constitute a practical difficulty.

- E.) The property owner is proposing to use the property in a reasonable manner not permitted by this Ordinance.

2.7 Appeals

- 2.7.1** An appeal from any order, requirement, decision or determination of any County Zoning Official shall be made within thirty (30) days of the contested administrative action by filing with the Zoning Board a Notice of Appeal specifying the grounds thereof.
- 2.7.2** Upon receipt of the Notice of Appeal, the Zoning Board shall set a time and place for a public hearing before the Zoning Board on the appeal. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper. Written notice of the hearing shall be sent to the appellant and the officer from whom the appeal is taken at the same time.
- 2.7.3** Within sixty (60) days from the date of the Notice of Appeal, the Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and, to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Zoning Board's decisions shall be stated in writing.
- 2.7.4** As provided in Minnesota Statutes section 394.27, all decisions by the Zoning Board in granting variances, conditional and interim use permits, 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 of 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.

2.8 Zoning Ordinance Text and Map Amendments

- 2.8.1 Application**

An application for an amendment to this Ordinance or the Zoning Map of this Ordinance, and the required fee as established by the County Board, shall be filed with the Zoning Administrator.

Proceedings for an amendment of this Ordinance may be initiated by:

- A.) An application of the owner or owners of the affected property;

- B.) A recommendation of the Zoning Board; or
- C.) By action of the County Board.

2.8.2 Public Hearings

Upon receipt of a complete application and other requested material, the Zoning Board shall hold at least one (1) public hearing in a location to be determined by the Zoning Board. At least ten (10) days in advance of each hearing, a notice of the time and place of such hearing shall be published in the official newspaper of the County.

2.8.3 Authorization

- A.) Following the public hearing, the Zoning Board shall make a report of its findings and recommendations on the proposed amendment and shall file a written copy with the County Board and the Zoning Administrator within the time limits prescribed by law.
- B.) Upon filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the amendment or any part of it in such form as it deems advisable.

2.9 Schedule of Fees

2.9.1 The County Board, by resolution, shall establish a schedule of fees for zoning permits, variances, conditional or interim use permits, appeals, amendments, and other matters pertaining to this Ordinance. This schedule of fees shall be available in the office of the Zoning Administrator and may be altered or amended only by resolution of the County Board.

2.9.2 No permit, certificate of compliance, conditional or interim use permit, variance or amendment application shall be issued or recognized unless or until such application fees have been paid in full to the Zoning Administrator, nor shall any action be taken on any proceedings unless or until the application fees have been paid in full. Should a permit, certificate, variance, conditional or interim use or amendment be denied, the fees shall not be refunded.

2. 10 Violations and Penalties

The Zoning Administrator, the County Sheriff, the County Attorney, and their representatives are responsible for enforcing the provisions of this Ordinance. Authorized county representatives may issue notices to remedy ordinance conflicts, issue cease and desist orders to halt work deemed to be inconsistent with this Ordinance, and issue citations for alleged violations of this Ordinance. Any violation of this Ordinance shall be a misdemeanor and shall be punishable to the maximum extent of the law. Each day a violation exists shall constitute a separate offense.

2. 11 Environmental Review

2.11.1 Purpose

The purpose of this Section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statutes Chapter 116D to implement the Environmental Review Program in accordance with Minnesota Rules Chapter 4410.

2.11.2 Environmental Assessment Worksheets (EAW)

The purpose of an Environmental Assessment Worksheet (EAW) is to assess rapidly in a worksheet format, whether a proposed action is a major action with the potential for significant environmental effects. Minnesota Rules 4410.4600 details which projects are exempt from environmental review.

- A.) An EAW shall be prepared for projects that meet or exceed threshold limits specified in Minnesota Rules 4410.4300, as may be amended from time to time.
- B.) The project proposer may voluntarily initiate environmental review.
- C.) The County Board may, upon recommendation of the Zoning Administrator, require that a discretionary EAW be prepared on any proposed action if because of the nature or location of a proposed project, the project has the potential for significant environmental effects. In accordance with Minnesota Rules 4410.1700, the following guidelines shall be considered in determining whether a discretionary EAW shall be required:

- i. The type, extent, and reversibility of environmental effect;
- ii. Whether cumulative significant environmental effects may result;
- iii. The degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect and the efforts of the proposer to minimize the contributions from the project;
- iv. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- v. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies by public agencies or the project proposer, including other EISs.

2.11.3 Environmental Impact Statements (EIS)

An Environmental Impact Statement (EIS) shall be required whenever it is determined that an action is major and has the potential for significant environmental effect. In making this determination, projects that meet or exceed the threshold limits specified in Minnesota Rules 4410.4400, as may be amended from time to time, indicate that an EIS should be prepared. Additionally, an EIS shall be prepared when the County Board determines that, based on the EAW and any comments or additional information received during the EAW comment period, the proposed project has the potential for significant environmental effects, or when the County Board and the proposer of the project agree that an EIS should be prepared, according to Minnesota Rules 4410.2000, Subp. 3.

2.11.4 Review Procedures and Administration

- A.) When environmental review documents are required on a project, the proposer of the project and any other person shall supply any data reasonably requested by the County Board, Zoning Board, or Zoning Administrator which the proposer has in his or her possession or to which the proposer has reasonable access.
- B.) The applicant for a permit for any action for which an EAW or EIS is required either by the state or the County Board shall pay all costs for the preparation of all components of the EAW or EIS.
- C.) The Zoning Administrator shall have the authority to request outside professional review of the draft EAW or EIS at the applicant's expense, or require that the applicant pay for the preparation of an EAW or EIS by a professional consulting company.
- D.) No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant

are paid, all information required is supplied, and until the environmental review process has been completed as provided by law.

- E.) The applicant for a permit for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in Minnesota Rules 4410.5600 prior to preparation of an EAW or EIS.
- F.) All EAWs and EISs shall be prepared under the supervision of the Zoning Administrator, reviewed by the Zoning Board and reviewed and approved by the County Board.
 - i. The Zoning Board shall recommend approval or denial by the County Board.
 - ii. After an EAW is prepared, the Zoning Board shall review the EAW and recommend to the County Board whether it should require the preparation of an EIS as provided by law.
 - iii. The County Board shall require an EIS where it finds under Minnesota Rules 4410.2000 that an action has potential for significant effects.
- G.) No permit shall be issued, no work shall commence, and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.
- H.) Decisions by the County Board on the need for an EAW, the need for an EIS, the adequacy of an EIS, and the adequacy of an Alternative Urban Areawide Review document are final decisions and may be reviewed by a declaratory judgment action initiated within thirty (30) days of the County Board decision in the district court of the County in accordance with Minnesota Rules 4410.0400 Subp. 4.

2. 12 Nonconformities

Any non-conforming structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, intensified, made more permanent, or expanded. Any nonconforming structure or use may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.

- 2.12.1** No non-conforming structure or use shall be moved to another parcel or to any other part of the parcel, unless such movement shall bring the nonconformity into compliance with the requirements of this Ordinance.
- 2.12.2** When any lawful non-conforming use of any structure or land is changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

- 2.12.3** A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure use has been changed, it shall not thereafter be so altered to increase the non-conformity.
- 2.12.4** Whenever a lawful non-conforming use or occupancy of any structure or land is discontinued for a period of one (1) year, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.
- 2.12.5** Normal maintenance of a lawful non-conforming structure or use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use, provided the necessary repairs shall not constitute fifty (50) percent or more of fair market value of such structure. Said value shall be determined by the County Assessor.
- 2.12.6** Pursuant to Minnesota State Statutes, in the case of homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes:
- A.) A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
 - B.) If the non-conformity or occupancy is discontinued for a period of more than one (1) year, or any non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
 - C.) If a non-conforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, the County may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
- 2.12.7** Lawful non-conforming lots shall be allowed as building sites provided the structure setbacks provided in this Ordinance can be met and adequate space is available on the premise for a subsurface sewage treatment system complying with the provisions of Minnesota Rules Chapter 7080.

Section 3. Zoning District Provisions

3.1 Districts and Purposes

For the purpose of this Ordinance, Pine County is hereby divided into classes of districts which shall be designated as follows:

3.1.1 Agriculture

This district shall be further divided into Ag1, Ag2, and Ag4 only for the purpose of Section 3.2.1.

A.) Purpose

To promote and preserve a strong agricultural economy and allow for limited integrated residential and commercial development designed to support agriculture. Businesses of agricultural products and services are encouraged. Noise, odor, and other activity commonly acceptable on farms will be expressly allowed in the Agriculture district, despite any neighboring commercial or residential uses within the district.

3.1.2 Rural Residential

This district shall further be divided into RR5, RR10, RR20, and RR40 only for the purpose of Section 3.2.1.

A.) Purpose

To foster residential and recreational development that protects woodlands and natural space as well as preserves the rural quality that makes the setting appealing.

3.1.3 Rural Townsite

This district shall further be divided into RT0.5, RT1, and RT2.5 only for the purpose of Section 3.2.1.

A.) Purpose

To allow for higher density development in small incorporated and unincorporated townsites as well as areas of higher density adjacent to shorelands and municipalities.

3.1.4 Commercial

A.) Purpose

To direct and foster commercial uses in areas that have supporting infrastructure, particularly in areas close to towns, along trunk highways, and near I-35 interchanges.

3.1.5 Industrial

A.) Purpose

To direct and foster industrial uses in areas that have supporting infrastructure.

3.2 Zoning Map

The location and boundaries of the zoning districts established by this Ordinance shall be known and may be referred to as the “Pine County Zoning Map.” The Pine County Zoning Map is hereby adopted as a part of the Pine County Zoning Ordinance. The Map shall be kept on file for examination in the Pine County Planning and Zoning office.

3.3 District Lot Dimensions and Setbacks

3.3.1 Table 1

District	Agriculture (AG1/AG2/ AG4)	Rural Residential (RR5/RR10/ RR20/RR40)	Rural Townsite (RT0.5/RT1/ RT2.5)	Commercial	Industrial
Minimum Lot Area	2.5 acres	5 acres/ 10 acres/ 20 acres /40 acres	0.5 acres/ 1 acre/ 2.5 acres	1 acre	1 acre
Density	Lots Per 40 acres: AG1=1, AG2=2, AG4=4	-	-	-	-
Minimum Public Road Frontage	66'	300'	100'	100'	100'
Minimum Lot Width	300'	300'	100'	100'	100'
Minimum Lot Depth	300'	300'	100'	100'	100'
Maximum Height of Building	-	35'	30'	40'	40'
Structure Setback; Road	100' from road centerline	100' from road centerline	20' from Road Right- of-Way	20' from Road Right- of-Way	20' from Road Right-of-Way
Structure Setback; Side Yard	50'	50'	10'	20'	20'
Structure Setback; Rear Yard	10'	10'	10'	10'	10'

3.4 Density Zoning of the Agriculture District

This section shall describe administration of density zoning, as referenced in Section 3.2.1, Table 1.

3.4.1 Density Zoning: Four Parcels per Quarter, Quarter Section

This section shall apply to the Ag4 district.

- A.) Each Quarter, Quarter Section may be split into up to four (4) parcels with a minimum parcel size of 2.5 acres and 66 feet on public roads. Quarter, Quarter Sections without public roads adjacent to them shall not be split and do not have any splitting rights.
- B.) The splitting rights of Quarter, Quarter sections which are already split into multiple parcels but less than four (4) parcels shall have the splitting rights divided as follows:
 - i. If two (2) parcels and are identical in size, splitting rights shall be equally divided.
 - ii. If three (3) parcels and are identical in size, the additional splitting right shall reside with the lot which has been owned the longest by the current owner.
 - iii. If two (2) or three (3) parcels and are unidentical in size, splitting rights shall reside with the parcel with the most road frontage which yields new and remaining parcels of at least 2.5 acres.
- C.) Quarter, Quarter Sections which already contain four (4) or more parcels may not be split further.

3.4.2 Density Zoning: Two Parcels per Quarter, Quarter Section

This section shall apply to the Ag2 district

- A.) Each Quarter, Quarter Section may be split into up to two (2) parcels with a minimum lot size of 2.5 acres and 66 feet on public roads. Quarter, Quarter Sections without public roads adjacent to them shall not be split and do not have any splitting rights.
- B.) The splitting rights of Quarter, Quarter sections which are already split into more than two (2) parcels shall not be split further.

3.5 Allowed Uses

Allowed uses for each district are shown in Section 3.4.1 Table 2. Uses not specifically listed as allowed uses in a district shall be prohibited in that district, unless granted under the provisions of Section 2.5.2. All uses shall comply with all applicable state and federal regulations, and shall meet the front, side, and rear setbacks for the district in which the use is located.

3.5.1 Table 2

Use	Agriculture (AG1/ AG2/AG4)	Rural Residential (RR5/ RR10/RR20)	Rural Townsite (RT0.5/RT1/ RT2.5)	Commercial	Industrial
Single Residential	P	P	P	N	N
Storage buildings and accessory structures	P	P	P	P	P
Single Residential as Accessory Use	P	P	P	P	P
Duplex/ Triplex Residential	CUP	P	P	N	N
Duplex/Triplex as Accessory Use	CUP	P	P	CUP	N
Second Residence	CUP	N	N	N	N
Guest Cottage	P	P	P	N	N
Temporary Family Health Care Dwelling	P	P	P	N	N
Manufactured or Mobile Home Park	N	N	CUP	N	N
Cropland, Pasture, Animal Agriculture	P	P	N	N	N
Agricultural: Feedlots	CUP	N	N	N	N
Value Added Agriculture	P	CUP	N	CUP	P
Rural Tourism	CUP	CUP	CUP	CUP	N
Vacation Rental Home	IUP	IUP	IUP	IUP	N
Forest Management	P	P	P	P	P
Saddle Club Facility or Commercial Stable	CUP	CUP	N	CUP	N
Cemetery	P	P	P	CUP	N
Salvage Yard	CUP	CUP	N	CUP	CUP
Place of Worship	CUP	P	P	CUP	N
Group Home	P	P	CUP	P	N
Government Building	CUP	CUP	CUP	CUP	CUP
School	CUP	CUP	CUP	CUP	CUP
Funeral Home	N	N	N	CUP	N
Assisted Living	CUP	CUP	CUP	CUP	N
Daycare Facility	P	P	CUP	CUP	N

Use	Agriculture (AG1/ AG2/AG4)	Rural Residential (RR5/ RR10/RR20)	Rural Townsite (RT0.5/RT1/ RT2.5)	Commercial	Industrial
Golf Course	CUP	CUP	CUP	CUP	N
Resort	CUP	CUP	CUP	CUP	N
Public Park	CUP	CUP	CUP	CUP	N
Shooting Range	CUP	CUP	CUP	CUP	CUP
Campground	CUP	CUP	CUP	CUP	CUP
Commercial Outdoor Recreation	CUP	CUP	N	N	N
Race Track	CUP	CUP	CUP	CUP	N
Communication Tower	CUP	CUP	CUP	CUP	CUP
Extractive Use	CUP	CUP	N	IUP	IUP
Non-commercial Solar and Wind Energy Systems	P	P	P	P	P
Commercial Solar Energy System	IUP	IUP	N	IUP	IUP
Commercial Wind Energy System	IUP	IUP	IUP	IUP	IUP
Solid Waste Disposal Site	CUP	CUP	CUP	CUP	CUP
Essential Services	P	P	P	P	P
Home-based businesses	P	P	P	N	N
Kennel, Commercial	CUP	CUP/IUP	N	P	N
Kennel, Residential	P	P	CUP	N	N
Airports and Heliports	CUP	CUP	N	CUP	CUP
Bar/ Restaurant	CUP	CUP	CUP	P	CUP
Contractors' Yard/ Construction Yard	CUP	CUP	CUP	CUP	P
Hotel/Motel	N	N	CUP	CUP	N
Automobile Repair	CUP	CUP	CUP	P	CUP
Automobile Service Station	CUP	CUP	CUP	P	CUP
Shopping or Retail Center	N	N	CUP	P	CUP
Mini Storage Facility	CUP	CUP	CUP	P	N

P=Permitted use. Permits are required in accordance with Section 2.4 of this Ordinance.

CUP= Allowed as conditional use. Permits are required in accordance with Section 2.5 of this Ordinance

IUP= Allowed as interim use. Permits are required in accordance with Section 2.5 of this Ordinance.

N=Not permitted

Section 4. Performance Standards

All uses addressed in this section shall comply with the provisions thereof.

4.1 Salvage Yards

4.1.1 Setbacks

All vehicles and materials must be stored outside of the wetlands, rights-of-way and must meet the sideyard and rearyard structure setbacks for the applicable zoning district.

4.1.2 Management Plan

The applicant must submit a plan, drawn to scale, showing: property lines, existing and proposed structures, salvage area, storage areas, screening and other proposed development. The plan must also address number of vehicles, tires, batteries, tanks and other parts not recyclable, and how applicant will handle motor oil, transmission fluid, antifreeze, gas, sludge, and other fluids.

4.1.3 Screening

Salvage yards shall be adequately screened by fences, walls, and land forms and/or natural planted materials on the property to effectively conceal the establishment from general view of motorists on public roads and from all surrounding occupied property within ¼ mile from such premises. All materials of the salvage yard must be contained within screening.

4.1.4 State Compliance

The applicant must provide documentation demonstrating compliance with State Department of Motor Vehicles and State Pollution Control Agency, which may include: dealership license, industrial stormwater permit, and registered hazardous waste identification number.

4.1.5 Nonconforming Salvage Yards

No salvage yard may continue as a nonconforming use for more than three (3) years after the effective date of this Ordinance, except that a junk yard may continue as a nonconforming use in Commercial, Industrial and Agricultural districts, if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the County Zoning Board before it is erected or put into place.

4.2 Second Residence

4.2.1 A second residence must be constructed or installed in a location that can be split from the primary residence through subdivision that complies with the provisions of all applicable ordinances.

- 4.2.2** The second residence may be connected to the septic system of the primary residence if the septic system is sized for both dwellings in accordance with Minnesota Rules Chapter 7080.

4.3 Temporary Family Health Care Dwellings

- 4.3.1** Temporary Family Health Care Dwellings shall require a permit and be subject to the following performance standards:
- A.) The dwelling must be mobile in nature such as a tiny house, mobile or manufactured home, or RV, or other structure capable of being transported by a 1-ton truck.
 - B.) The applicant must furnish an application describing the health condition of the person receiving care, the relationship of the person receiving care to the property owner, the expected duration of the occupancy, any other information deemed necessary by the County for administration of this Ordinance.
 - C.) The temporary family care dwelling may not be used commercially.
 - D.) The owner must provide documentation, in a format acceptable to the County, of the occupant's condition and need for a care at the time of occupancy and every two years thereafter.
 - E.) Upon discontinuation of the occupancy by a family member, the property owner shall have 120 days to remove the dwelling or receive a new permit consistent with the provisions of this ordinance.
 - F.) The dwelling shall meet all requirements of the Pine County Subsurface Sewage Treatment Systems Ordinance.

4.4 Manufactured or Mobile Home Parks

- 4.4.1** Manufactured and Mobile Home Parks must adhere to the rules of Minnesota Rules Chapter 4630 as may be amended from time to time.
- 4.4.2 Lot Markings**
Each lot shall be clearly defined by a permanent marker in the ground.
- 4.4.3 Access**
Each park shall abut a public road and each manufactured or mobile home lot shall have direct access to a hard surface road (gravel, asphalt, etc.), not less than twenty (20) feet in width.

4.4.4 Maintenance

It shall be the responsibility of the manufactured or mobile home park owner to see that good housekeeping and living conditions are maintained in the park at all times. Each mobile home lot shall be landscaped or maintained in grass. No unused building materials, debris, or rubbish shall be allowed to accumulate.

4.4.5 Skirting

Every unit within the park shall be skirted.

4.4.6 Stormwater

Natural drainage ways, streams, ponding and other holding areas shall be preserved for recharge of ground water resources.

4.4.7 Parking

Each manufactured or mobile home site shall have a hard-surfaced off-street parking space for at least two (2) automobiles. Each space shall be 10 feet by 20 feet minimum. One (1) additional hard surfaced, off street, guest parking space must be provided for each three (3) homes.

4.4.8 Landscaping

All lot area not utilized for structures or designated parking facilities shall be adequately landscaped, with sodding or seeding programs completed before occupancy of the manufactured or mobile home unit.

4.4.9 Screening and buffering: Manufactured or mobile home parks shall be adequately screened by fences, walls, and land forms and/or natural planted materials on the property to effectively conceal the park from general view of motorists on public roadways or abutting developed property. The screening and buffering shall be approved prior to occupancy.

4.4.10 Home Construction

Each home in the park must have been built after June 15, 1976, to the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

4.4.11 Nonconformities

It shall be unlawful for any person to construct, alter, or extend any mobile home park, structures, or uses within the park unless he/she holds a valid permit issued by the Zoning Administrator upon compliance with all provisions of this Ordinance.

4.5 Extractive Use

4.5.1 Safety

All operations shall comply with the Mining Safety and Health Administration

(MSHA) standards in regards to slopes, working faces, safety fencing, and the like.

4.5.2 Portable Plants

All operations may excavate, screen, crush, wash, and produce asphalt or concrete with portable plants.

4.5.3 Screening

To minimize adverse effects on neighboring properties, operations shall be screened from the view of adjacent residential uses by topography, stockpiles, or vegetation, or a combination thereof.

4.5.4 Setbacks

All clearing, excavating, stockpiling, filling, or processing of mined materials shall not be conducted closer than:

- A.) 50 feet from the right-of-way of any public road.
- B.) 100 feet to the property line or 500 feet to any residential dwelling located on an adjacent parcel.

4.5.5 Reclamation

Concurrent reclamation shall occur during the operation as well as at the completion of the project. All trees, brush, stumps and debris resulting from clearing, stripping and normal operation shall be burned, buried, or removed at the cessation of the operation.

4.5.6 Sloping

At the non-working face of the project, banks shall be maintained at a slope not to exceed 2:1 (fifty percent) except at the cessation of the extraction activities, which shall be no steeper than 3:1 (33 percent). The tops of all banks shall be rounded to conform to surrounding topography.

4.5.7 Re-vegetation

Upon depletion of any pit/extraction activity, or any face or portion thereof, the depleted portion shall be stabilized by re-vegetation, shaping or other soil erosion control methods, sufficient to prevent erosion of the walls and floor.

4.5.8 Nonconformities

Gravel and mineral extraction mining operations (topsoil, sand, gravel, and other materials) in existence prior to the adoption of this Ordinance shall be considered legal nonconforming operations subject to the following:

- A.) Land contiguous to nonconforming gravel and mineral extraction operations and acquired after the adoption of this Ordinance, shall not be considered part of the nonconforming or “grandfathered” operations and shall be subject to all the provisions of this Ordinance.

- B.) No gravel and mineral extraction mining operation which has been inactive for a period of five (5) years shall continue to operate without obtaining a conditional or interim use permit and complying with the provisions of this Ordinance.
- C.) The provisions of Sections 4.5.3 through 4.5.5 shall apply to all legal nonconformities.

4.6 Communication Towers

4.6.1 Personal Communication Towers

Personal communication towers not exceeding 30 feet in height must meet structure setbacks but are allowed without permit.

4.6.2 Siting

In making siting decisions for new towers, applicants should:

- A.) Be sensitive to the location of the tower near a densely settled residential area.
- B.) Consider locations for towers on parcels that have current conditional or interim use permits in zoning districts that are primarily devoted to commercial or industrial uses or on public lands where permissible and practical.

4.6.3 The parcel or leased area size shall be large enough to accommodate the tower in its collapsed state.

4.6.4 Location

The tower, support structures, and guide wires shall be completely located outside of existing easements and the road right-of-way.

4.6.5 **Co-location:** The tower must be designed for co-location purposes. Colocation shall be the first option pursued by companies desiring to locate facilities in the County.

- A.) If a new tower or antenna support structure over 99 feet in height is to be constructed, it shall be designed to accommodate a minimum of two (2) other users of similar antenna configurations including but not limited to other cellular communication companies, police, fire and ambulance companies;
- B.) if the proposed tower or antenna support structure is between 35 and 99 feet in height it shall be designed to accommodate at least one (1) additional user.

4.6.6 **Construction:** Construction of towers shall meet federal and state regulations, including those of the Federal Aviation Administration.

4.6.7 Security Fencing

Security fencing or similar barrier must be constructed to prevent access to, and climbing of, the tower by unauthorized persons.

4.6.8 No Advertising

No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.

4.6.9 Decommissioning

All towers and antennae not used for a period of twelve (12) consecutive months shall be considered abandoned and shall be removed within six (6) months of written notice by the County. At the time of application, the owner of the tower shall provide the County with an acceptable financial guarantee in an amount equal to 125 percent the cost to remove the tower and related infrastructure, and to restore the site. Failure to remove the structure shall be cause for the County to remove the tower and equipment and assess the cost to the property.

4.7 Solid Waste Disposal Sites

4.7.1 Screening

To minimize adverse effects on neighboring properties, operations shall be screened from the view of adjacent residential uses by fencing, topography, vegetation, or a combination thereof.

4.7.2 Setbacks

- A.) All activities of transfer stations, waste tire collection sites and recycling facilities shall not occur within:
 - i. 50 feet from the right-of-way of any public road.
 - ii. 100 feet to the property line or 500 feet to any residential dwelling located on an adjacent parcel.

- B.) All activities of land disposal facilities, solid waste processing facilities, waste tire processing facilities and composting facilities shall not occur within:
 - i. 50 feet from the right-of-way of any public road.
 - ii. 100 feet to the property line or 1,000 feet to any residential dwelling located on an adjacent parcel.

4.8 Feedlots

4.8.1 Setbacks

- A.) The feedlot area, confinement building, or manure storage area shall be setback a minimum of 500 feet from any existing non-farm dwelling unless written permission is provided by the owner of that non-farm dwelling, signed by notary, in a format acceptable to the County.

- B.) Animal pens, feedlots, and animal structures shall meet the structure setbacks established in the Agriculture district.

4.8.2 State Compliance

All feedlot operations shall comply with State of Minnesota rules and regulations, including Minnesota Rules Chapter 7020, as amended.

4.9 Commercial Solar Energy Production

4.9.1 Setbacks

The required setback from neighboring property lines for all project elements including structures, panels, racking systems, but excluding security enclosure, is 50 feet from all non-right-of-way property lines or 275 feet from any dwelling whichever is greater. The minimum setback from public roads shall be 100 feet from centerline.

4.9.2 Decommissioning Plan

At the time of application, the developer shall submit a decommissioning plan for ground-mounted commercial solar energy systems to ensure that the permittee properly removes the equipment and facilities upon the end of project life or after their useful life.

- A.) The permittee shall decommission the solar panels in the event that 25% or more of the panels are not in use for twelve (12) consecutive months.
- B.) The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the re-establishment of vegetation in all disturbed areas, and a soundly-based plan ensuring financial resources will be available to fully decommission the site.
- C.) The disposal of structures and/or foundations shall meet the requirements of the Pine County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations.
- D.) At the time of application, the permittee shall provide an industry engineer's estimate of the eventual decommissioning cost. Prior to project commencement, the permittee shall post financial surety in an amount equal to or greater than 125 percent of the engineer's estimated cost, to ensure proper decommissioning. Failure to maintain financial surety and current decommissioning plan shall be grounds for revocation and/or nullification of permit.

4.9.3 Power and Communication Lines

All on-site power and communication lines running between the elements of the project and the connection point shall be buried underground on premise. The Zoning Administrator may grant exemptions to this requirement in the

instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

4.9.4 Large Energy Power Generating Plant

Commercial solar energy systems which have a generating capacity of 50 megawatts or more of power shall fall under the jurisdiction of the Minnesota Public Utilities Commission.

4.9.5 Ground Cover

All ground areas of the site shall be re-vegetated with low-growing pollinator-friendly seed mix, as certified by the Minnesota Board of Water and Soil Resources, and shall be maintained throughout the life of the project except where safety requires hardscaping.

4.9.6 Security Fence Design

No barbed wire fencing is permitted. The security fence surrounding the facility shall consist of woven wire agricultural or chain link fencing.

4. 10 Commercial and Non-Commercial Wind Energy Conversion System

4.10.1 Scope

The requirements and standards in this section govern Wind Energy Conversion Systems (WECS) that are capable of generating less than five (5) MW of electrical power. The State of Minnesota has jurisdiction over the siting and regulation of WECS generating five (5) MW or more of electrical power.

4.10.2 Application

Non-commercial WECS are a permitted use in all districts. Commercial WECS are permitted through interim use permits in the Agricultural, Rural Residential, Rural Townsite, Commercial, and Industrial districts.

4.10.3 General Standards

All WECS shall comply with the following standards:

- A.) All WECS connecting in any way to the distribution or transmission system must obtain an interconnection agreement from the appropriate electric utility. Off-grid systems are exempt from this requirement.
- B.) A non-commercial WECS shall not exceed 150 feet in height as measured from the ground to the hub. A commercial WECS shall not exceed 380 feet in height as measured from the ground to the highest point of the tower, rotor, or blade.
- C.) WECS shall be set back at least 750 feet from any existing residence other than a residence occupied by the applicant. WECS shall be set back a minimum distance equal to the highest point of the WECS from all property lines, roadways, and existing structures.

- D.) No WECS shall extend closer than 30 feet to the ground.
- E.) WECS towers, blades, and turbines shall be non-reflective and be designed to blend in with the skyline and natural setting to the extent possible.
- F.) WECS facilities shall not be lighted except for security purposes and in accordance with Federal Aviation Administration requirements.
- G.) Signage setting forth the identification of the owner/operator and public safety information, including emergency contact information, shall be placed on the site and shall comply with the sign provisions of this Ordinance.
- H.) WECS shall be fenced in unless towers are designed without ladders or other accessible climbing devices. All equipment or appurtenances that pose a potential danger to animals or humans shall be fenced in.
- I.) WECS shall be designed, constructed, operated, and maintained in a manner consistent with all applicable federal, state, and local laws, rules, standards, codes, and ordinances.
- J.) A WECS that has not operated for a period of twelve (12) months shall be considered abandoned and shall be removed by the owner or operator. If a WECS has not been removed according to an order by the County, the County may contract the removal and renovation of the site. The County may use any funds established for site rehabilitation for such action or may assess such costs against the property.

4.10.4 Non-Commercial WECS

In addition to the requirements set forth in Section 4.12.2 and 4.12.3, applications for non-commercial WECS shall include the following information:

- A.) A site plan showing the location of all property lines, existing structures, roadways, and proposed WECS equipment and appurtenances.
- B.) A description of the proposed WECS equipment and appurtenances, including but not limited to tower height, blade dimensions, color, and generating capacity.

4.10.5 Commercial WECS

- A.) The County prohibits Commercial WECS in the following areas:
 - i. In the Shoreland and Kettle River Wild and Scenic River districts.
 - ii. Within 750 feet of areas protected from development by federal, state, or county agencies such as Wildlife Management Areas, Scientific and Natural Areas, and State Parks.
- B.) All projects shall have a vegetation management plan that establishes and maintains vegetative cover at the completion of construction.

- C.) At the time of application, the owner/operator shall submit a decommissioning plan for commercial WECS to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the WECS in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation, and a soundly-based plan ensuring financial resources will be available to fully decommission the site. As an alternative to the full restoration of soil and vegetation, the decommissioning plan may provide for the installation, establishment, and continuation of beneficial habitat standards. The owner/operator shall provide a current-day decommissioning cost estimate, and shall post a bond, letter of credit, or establish an escrow account, equivalent to 125 percent the decommissioning cost estimate.
- D.) All applications for commercial WECS shall include the following:
- i. A certificate of survey showing the location of all property lines, pipelines, power lines, easements, roadways, existing structures, and proposed WECS equipment and appurtenances, topographic contours, wetlands, water bodies, and other natural features on properties within one-half (1/2) mile of the proposed WECS.
 - ii. A description of the proposed WECS equipment and appurtenances, including but not limited to tower height, blade dimensions, color, and generating capacity.
 - iii. Engineering design certification and descriptions of individual and combined electrical power generation and evidence of permitting compatibility with all applicable laws, rules, standards, codes, and ordinances.
 - iv. A description of proposed electrical distribution facilities required to service the proposed WECS, including but not limited to power lines and substations.
 - v. Evidence of site ownership or wind easements secured from property owners, necessary to the operation of the WECS.
 - vi. The interconnection application and/or agreement.
 - vii. A notification to local road authorities who may be impacted by the weight of turbine equipment during transportation. Local road authorities may require mitigation for damage.
 - viii. Identification of any agricultural tile drains or other drainage or conveyance systems that may be impacted by construction or maintenance of the site.

Section 5. General Development Standards

5.1 Junk Storage

5.1.1 Garbage

Garbage as defined in this Ordinance, must be stored inside a container designed for garbage storage.

5.1.2 Junk and Debris Storage

Junk and debris storage is prohibited:

- A.) In wetlands, floodplains, inside highway and/or utility rights-of-way in the Agricultural, Rural Residential, Rural Townsite, Shoreland, and Kettle River Wild and Scenic River districts;
- B.) Where it creates a nuisance or hazard to public health and safety in the Rural Residential, Rural Townsite, Shoreland, and Kettle River Wild and Scenic River districts;
- C.) In the Commercial and Industrial districts.

5.1.3 Inoperable Agricultural Machinery

Inoperable agricultural machinery:

- A.) May be stored outdoors in the Agricultural and Rural Residential districts provided it does not create a hazard to public health and safety and all fluids and fuels are removed.
- B.) Is prohibited in the Industrial and Commercial districts unless part of a salvage yard, repair shop, or related business.
- C.) Is prohibited in the Rural Townsite district.

5.1.4 Outside Storage of Junk Vehicles

- A.) Junk vehicles are prohibited in wetlands, floodplains, and inside highway and/or utility rights-of-way
- B.) Properties within the Agricultural district, but not including the Shoreland and Kettle River Wild and Scenic River districts, may be used to store no more than five (5) junk vehicles outdoors. Vehicles shall be stored right side up and in a manner which will not create a hazard to public health and safety. A landowner may store more than five (5) unlicensed inoperable vehicles so long as they are stored in an enclosed building.
- C.) Properties within the Rural Residential District, but not including the Shoreland and the Kettle River Wild and Scenic River district, may be used to store no more than three (3) junk vehicles outdoors. Vehicles shall be stored right side up and in a manner which will not create a hazard to public health and safety. A

landowner may store more than three (3) unlicensed inoperable vehicles so long as they are stored in an enclosed building.

- D.) Within the Shoreland, Kettle River Wild and Scenic River, and the Rural Townsite districts, no outdoor storage in excess of one (1) junk vehicles will be allowed. A landowner may store junk vehicles inside an enclosed building.
- E.) Within the Commercial and Industrial districts junk vehicles may not be stored outdoors unless part of a business compliant with the provisions of this Ordinance, such as a salvage yard, auto repair shop, or related business.

5.1.5 Waste Tires

The following regulations shall apply to the storage of waste tires:

- A.) Waste tires shall be confined to as small an area as practicable.
- B.) Waste tires shall be stored in a way so as to not constitute a fire hazard.
- C.) Waste tires shall be piled so as to minimize the accumulation of stagnant water.
- D.) Waste tires shall be stored a minimum of twenty (20) feet from all adjacent property lines and shall not be stored within the road right-of-way
- E.) The owner of the land or premises upon which waste tires are located in violation of this Ordinance shall be obligated to bring the property into compliance with this Section or remove them to a licensed solid waste facility or licensed tire processing facility.
- F.) Within the Shoreland, Kettle River Wild and Scenic River, and Rural Townsite districts, a maximum of four (4) waste tires may be stored outdoors. Within the Rural Residential district a maximum of ten (10) waste tires may be stored outdoors. The outdoor storage of waste tires shall be prohibited in the Commercial and Industrial districts unless they are part of an auto repair shop, solid waste/ recycling facility, salvage yard, or related business. Salvage yards conforming to the provisions of this Ordinance, and lands within the Agricultural district, shall have no limitation on the number of tires allowed to be stored on the premises, unless restricted through a conditional use permit or other federal, state, or local control.

5.1.6 Major Appliances

- A.) Major appliances shall be stored in a manner which will not create a nuisance, blight or hazard to public health and safety and shall have all non-magnetic latches disabled, capacitors removed and refrigerant gas evacuated before storage and or processing.
- B.) Major appliances may not be stored outdoors for more than thirty (30) days before they must be properly disposed of at a licensed recycling facility or salvage yard.

5.1.7 Enforcement

- A.) Any property owner upon whom a Notice of Violation of this Ordinance has been delivered shall have thirty (30) days from the date of the Notice of Violation to forward to the County a plan to bring the property into compliance with the provisions of this Ordinance, or to ask for an appeal hearing before the Pine County Zoning Board. Said property owner shall have up to one hundred twenty (120) days from the date of the Notice of Violation to bring the property into compliance with the provisions of this Ordinance.
- B.) In the event the property owner referenced above fails to bring the property into compliance with the provisions of this Ordinance, and fails to request a hearing before the Pine County Zoning Board, the Zoning Administrator shall prepare and present the cost estimate to the County Board, who shall have the authority to declare the property a nuisance and order the abatement of the nuisance.
- C.) The owner of the property on which an abatement action is performed shall be personally liable for the costs of such action. Immediately after the abatement is completed, and the costs determined, the Zoning Administrator shall prepare a statement of the costs of the abatement and mail it to the property owner, and the amount thereof shall be immediately due and payable at the Pine County Treasurer's Office.
- D.) On or before September 1 of each year, the County Auditor shall list the total unpaid charges for each abatement action against the separate lot or parcel which are attributable under this Ordinance. The County Board may then spread the charges on any portion thereof against the subject property as a special assessment pursuant to the authority and procedure set forth in Minnesota Statutes for certification to the County Auditor and collection the following year along with current taxes. Such assessment shall be payable in installments as provided in Minnesota Statutes

5.1.8 Nonconformities

No property that is not in compliance with the provisions of Section 5.1 at the time of adoption of this Ordinance may continue as a nonconformity.

5.2 Signs

5.2.1 Statement of Purpose

- A.) Exterior signs have a substantial impact on the character and quality of the environment.
- B.) Signs provide an important medium through which individuals may convey a variety of messages.
- C.) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

5.2.2 Permits

All signs hereafter erected or maintained must be permitted by the County, unless otherwise specified.

5.2.3 Exempt Signs

The following signs are exempt from the provisions of this Ordinance and are expressly allowed in all zoning districts:

- A.) Signs on the rolling stock of common carriers that are Department of Transportation compliant, including signs on semi-trailers and vans.
- B.) Official traffic control signs.
- C.) Signs of a governmental unit or development.
- D.) Temporary signs advertising auction sales, carnivals, fairs, garage sales benefits, community events, and similar uses, provided these signs are removed within ten (10) days after the event.
- E.) A temporary sign indicating real estate for rent or for sale, relating to the premises only on which it is located and not exceeding 32 square feet.
- F.) Signs bearing only property numbers, post box numbers, names of occupants or other identification of premises, not having commercial connotations.
- G.) Identification signs naming contractors of development projects, or seeds used by farmers.
- H.) On-premises directional/informational signs having a sign area of sixteen (16) square feet or less.
- I.) Holiday decorations.
- J.) No trespassing signs and signs of similar purposes.
- K.) Political signs including political signs regulated under Minnesota Statutes section 211B.045 as it may be amended from time to time.
- L.) Temporary signs for roadside farm stands

5.2.4 Prohibited Signs

No sign shall be erected or maintained:

- A.) Which imitates or resembles official government signs or signals.
- B.) Which are placed within 300 feet of any intersection that may obstruct motorist or pedestrian visibility.
- C.) Which prominently displays the words “stop,” or “danger.”
- D.) Which hides from view or interferes to any degree with the effectiveness of any traffic control device, sign, or signal.

- E.) Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
- F.) Which are structurally unsafe, in disrepair, abandoned, discontinued, or which no longer identify or advertise a bona fide business, service, product, or activity.
- G.) For which no legal owner can be found.
- H.) Which are within the right-of-way of any public roadway, except if erected by a government entity.
- I.) Which extends more than 50 feet above the ground.

5.2.5 Off-Premise Advertising Signs

Off-premise advertising signs, where not regulated under Minnesota Statutes Chapter 173 or successor statutes, shall comply with the following provisions:

- A.) Off-premise advertising signs shall be a permitted use in the Commercial and Industrial districts.
- B.) Off-premise advertising signs shall be allowed as conditional or interim use in the Agricultural, Rural Residential, and Rural Townsite districts except when used to direct traffic to a local commercial or industrial use. In such cases, off-premise advertising signs shall be a permitted use.
- C.) Off-premises advertising signs used to direct traffic to a local commercial or industrial use shall be limited to six (6), each no more than thirty-two (32) square feet in size.
- D.) No off-premises advertising sign shall be erected within 300 feet of any other off-premise advertising sign on the same side of the same roadway facing traffic proceeding in the same direction
- E.) Each sign structure shall not contain more than two (2) signs per face, and not more than four (4) signs per structure.
- F.) No off-premises advertising sign may exceed 600 square feet in size.
- G.) All external light sources shall be diffused and must be directed toward the sign.
- H.) LED off-premises advertising signs are permitted only in the Commercial and Industrial districts.

5.2.6 Home-based Business Signs

Properties with a home-based business, meeting the definition provided in Section 1.6, shall be allowed one (1) on-premises advertising sign, not to exceed 32 square feet in size. The sign may be double-faced.

5.2.7 Non-conforming Signs

Existing signs which do not conform to the specific provisions of this

subdivision may be eligible for the designation "legal non-conforming" provided that:

- A.) The sign was compliant with all applicable laws prior to the date of adoption of the Zoning Ordinance from which this subdivision is derived.
- B.) A legal non-conforming sign shall lose this designation if the sign is relocated, replaced, altered, or damaged by more than 50 percent other than for change of copy or normal maintenance, provided the change of copy or normal maintenance does not affect the structural integrity of the sign.
- C.) Except as otherwise specified in this section, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered, with the exception of face maintenance and modifications, until a certificate has been issued by the Zoning Administrator. No certificate shall be issued for a sign that does not conform in size, type, number, location, and use as regulated for each zoning district.
- D.) Legal nonconforming off-premise advertising signs shall be required to follow the provisions of Sections 5.2.4F and 5.2.4G.

5.3 Fences

5.3.1 Fences are allowed in all districts, provided the following requirements are met:

- A.) Fences shall not be allowed in the road right-of-way.
- B.) Fences in the Rural Residential and Rural Townsite districts shall not exceed six (6) feet in height without obtaining a permit. Fences taller than six (6) feet shall require a permit, and the fence shall be designed to handle snow loads.
- C.) In the Commercial and Industrial districts, fences may be seven (7) feet in height without obtaining a permit. Fences taller than seven (7) feet shall require a permit, and the fence shall be designed to handle snow loads.
- D.) Fences in the Commercial and Industrial districts shall be maintained so as not to become unsightly or hazardous.
- E.) Fences in the Agricultural district shall be exempt from the provisions of this Ordinance.

5.4 Mobile Homes Outside of Mobile Home Parks


5.4.1 Individual mobile homes shall be considered as single-family dwellings and shall be allowed to locate outside of mobile home parks, provided that the following requirements are met:

- A.) The mobile home site complies with the respective land use regulations for the district, and contains suitable water supply and approved septic system for the private use of one single-family dwelling.
- B.) The mobile home shall comply with all the structure setbacks of the district in which it is located.
- C.) Skirting shall be installed on all mobile homes within ninety (90) days of placement; otherwise the certificate shall expire.
- D.) No mobile home constructed prior to June 15, 1976 shall be permitted.
- E.) The mobile home shall be anchored to the ground.

Section 6. Effective Date

The Pine County Zoning Ordinance is hereby adopted by the Pine County Board of Commissioners on the 17th day of January, 2020.

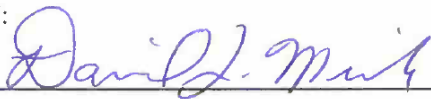
Amendment passed and approved this 19th day of April, 2022.



Stephen M. Hallan, Chair

Pine County Board of Commissioners

ATTEST:



David J. Minke

Pine County Administrator

Notice of Public Hearing Published: 04/07/2022

Public Hearing: 04/19/2022

Adopted by County Board: 04/19/2022

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Drafted By:

Pine County Planning & Zoning Dept.

1610 Hwy 23 N

Sandstone, MN 55072