

AMENDMENTS TO THE SHERBURNE COUNTY
ZONING MAP

LEGAL DESCRIPTION:	ACTION TAKEN:	DATE APPROVED BY COUNTY BOARD:	SUMMARY PUBLISHED:
ZONING MAP LEGEND	Replace “General Use” with “General Rural”	April 2, 1996	April 14, 1996
ZONING MAP	Designate the Elk River as an “Ag River” for its full length	April 2, 1996	April 14, 1996
NE1/4 of SE1/4 20-33-27 & NW1/4 of SW1/4 21-33-27 71 acres BIG LAKE TOWNSHIP	Rezone from Agricultural District to Industrial District	June 4, 1996	July 1, 1996
All General Rural Districts in Twp 35N Rge 30 W HAVEN TOWNSHIP	Rezone from General Rural District to Agricultural District	June 4, 1996	July 1, 1996
All General Rural Districts in Twp 35N Rge 29W PALMER TOWNSHIP	Rezone from General Rural District to Agricultural District	June 4, 1996	July 1, 1996
Big Lake Highway Corridor Study Area (Hwy 10 & 25) BIG LAKE TOWNSHIP	2 – Year Moratorium on Residential Development	June 4, 1996	July 1, 1996
All General Rural Districts in Twp 34N Rge 29W and 30W CLEAR LAKE TOWNSHIP	Rezone from General Rural District to Agricultural District	August 6, 1996	August 10, 1996
All General Rural Districts in Twp 35N Rge 28W SANTIAGO TOWNSHIP	Rezone all General Rural Districts to Agricultural Districts	October 1, 1996	October 5, 1996
General Rural Districts in Sec 30, Twp 35, Rge 30 & Sec 19, Twp 35, Rge 30 and Sec 18, Twp 35, Rge 30 & Sec 24, Twp 35, Rge 31 & Sec 25, Twp 35, Rge 31, Sec 13, Twp 35, Rge 31 HAVEN TOWNSHIP	Rezone from General Rural District to Agricultural District	November 5, 1996	November 9, 1996

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General Rural Districts in Sec 5, Twp 35, Rge 30 HAVEN TOWNSHIP	Rezone from General Rural District to Agricultural District	February 4, 1997	February 15, 1997
All General Rural Districts in Twp 35N Rge 27W BLUE HILL TOWNSHIP	Rezone all General Rural Districts to Agricultural Districts	DENIED February 4, 1997	NA
Twp 35N Rge 27W BLUE HILL TOWNSHIP	Moratorium on Development in Blue Hill Township	NO ACTION March 4, 1997	NA
All General Rural Districts in Twp 34N Rge 26W LIVONIA TOWNSHIP	Rezone all General Rural Districts to Agricultural Districts	DENIED May 6, 1997	NA
N300' of E544' of NE1/4 of SW1/4 of Sec 30, Twp 33, Rge 27 BIG LAKE TOWNSHIP (Requested by Richard Riebel)	Rezone from Ag District to Urban Expansion District	April 7, 1998	April 15, 1998
E836' of S1/2 of S1/2 of NE1/4 of Sec 27, Twp 33, Rge 28 ex W288.57' of E731.03' of S396.38' of S1/2 of S1/2 9.33 acres "Deer Ridge 2 nd Addn" BECKER TOWNSHIP (Requested by Don Bauer)	Rezone from Ag to General Rural District	July 7, 1998	July 14, 1998
NE1/4 S of RR ex th pt of th SE1/4 of NE1/4 S of RR; N1/2 of SE1/4 & SE1/4 of NE1/4 S of RR all in Sec 26, Twp 34, Rge 29 155 acres BECKER TOWNSHIP (Requested by NSP)	Rezone from Ag to Industrial	May 4, 1999	May 22, 1999

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<p>11.75 acres in th SE1/4 of th NW1/4 of Sec 10, Twp 35, Rge 28</p> <p>SANTIAGO TOWNSHIP (Requested by Gerald Kral)</p>	<p>Rezone from Ag District to Commercial District</p>	<p>June 1, 1999</p>	<p>June 12, 1999</p>
<p>E200' of th SW1/4 of th SE1/4 of Sec 9, Twp 33, Rge 28 3 acres</p> <p>BECKER TOWNSHIP (Requested by Malcolm Olson – Osseo Lumber)</p>	<p>Rezone from Ag District to Industrial District</p>	<p>June 1, 1999</p>	<p>June 12, 1999</p>
<p>Th NE1/4 of th W1/2 of th SE1/4 of Sec 29, Twp 34, Rge 28 & th NE1/4 of Sec 32, Twp 34, Rge 28 & th E1/2 of th SE1/4 of Sec 32, Twp 34, Rge 28 & th NE1/4 of th NE1/4 lying N of Elk River in Sec 5, Twp 33, Rge 28 Approx 100 acres</p> <p>BECKER TOWNSHIP (Requested by City of Big Lake and Big Lake Township)</p>	<p>Rezone from General Rural District to Urban Expansion District</p>	<p>July 6, 1999</p>	<p>July 17, 1999</p>
<p>All General Rural Districts in Becker Township</p> <p>BECKER TOWNSHIP</p>	<p>Rezone all General Rural Districts to Agricultural Districts</p>	<p><i>DENIED</i> December 9, 1999</p>	<p>NA</p>
<p>S1/2 of SE1/4 and S1/2 of SW1/4 Sec 26, Twp 34, Rge 29 160 acres</p> <p>BECKER TOWNSHIP (Requested by Vonco)</p>	<p>Rezone from Ag District to Heavy Industrial District</p>	<p><i>DENIED</i> March 7, 2000</p>	<p>NA</p>
<p>S1/2 of SE1/4 and S1/2 of SW1/4 Sec 26, Twp 34, Rge 29 160 acres</p> <p>BECKER TOWNSHIP (Requested by Vonco)</p>	<p>Rezone from Ag District to Heavy Industrial District</p>	<p><i>DENIED</i> August 1, 2000</p>	<p>NA</p>

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LEGAL DESCRIPTION:	ACTION TAKEN:	DATE APPROVED BY COUNTY BOARD:	SUMMARY PUBLISHED:
<p>Th W614.59' of th N1417.16' of th NW1/4 Sec 22, Twp 35, Rge 30 19.99 acres</p> <p>HAVEN TOWNSHIP (Requested by Sharon Oehrlein)</p>	<p>Rezone from Ag District to Industrial District</p>	<p>August 1, 2000</p>	<p>August 12, 2000</p>
<p>ORD-049 Part of Sec 8 and part of Sec 17, Twp 35, Rge 30</p> <p>HAVEN TOWNSHIP (Requested by Granite City and Gratke)</p>	<p>Rezone from Ag and Urban Expansion Districts to Industrial Districts</p>	<p>November 7, 2000</p>	<p>November 25, 2000</p>
<p>ORD-055 W1/2 of NW1/4 of Sec 17, Twp 34, Rge 29</p> <p>CLEAR LAKE TOWNSHIP (Requested by Braun)</p>	<p>Rezone from Ag District to Urban Expansion District 35 acres</p>	<p>April 3, 2001</p>	<p>April 14, 2001</p>
<p>S1/2 of SE1/4 and S1/2 of SW1/4 Sec 26, Twp 34, Rge 29</p> <p>BECKER TOWNSHIP (Requested by Vonco)</p>	<p>Rezone from Ag District to Industrial District 160 acres</p>	<p><i>DENIED</i> June 5, 2001</p>	<p>NA</p>
<p>ORD-066 Parcel C, D, E 105 acres Sec 36, Twp 33, Rge 27</p> <p>BIG LAKE TOWNSHIP (Requested by John Plaisted)</p>	<p>Rezone from Ag District to General Rural District</p>	<p>October 2, 2001</p>	<p>October 13, 2001</p>
<p>ORD-067 Parcel A, B 42 acres Sec 36, Twp 33, Rge 27</p> <p>BIG LAKE TOWNSHIP (Requested by John Plaisted)</p>	<p>Rezone from Ag District to Commercial District</p>	<p>October 2, 2001</p>	<p>October 13, 2001</p>

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ORD-083 Pt of S1056' of S1/2 of SW1/4 Sec 4, Twp 35, Rge 26 BALDWIN TOWNSHIP (R.W. Properties / Winkelman)	Rezone from Urban Expansion to Commercial District	May 6, 2003	May 17, 2003
ORD-082 Pt of SW1/4 of Sec 34, Twp 34, Rge 26 60.91 acres & 20.04 acres LIVONIA TOWNSHIP (Requested by Tiller Corporation)	Rezone from General Rural to Heavy Industrial District	May 6, 2003	May 17, 2003
ORD-088 NE1/4 of NE1/4 (40 acres) and SW1/4 of NE1/4 (40 acres) Sec 18, Twp 33, Rge 28 BECKER TOWNSHIP (Requested by Vonco II and Peterson Brothers)	Exchange 40 acres and and swap the zoning of Heavy Industrial and Agricultural	January 6, 2004	January 21, 2004
ORD-093 PT of NW1/4 of SE1/4 & E1/2 of SE1/4 (13.93 Acres) Sec 16, Twp 34, Rge 26 LIVONIA TOWNSHIP (Requested by Virgil Johnson)	Rezone from Urban Expansion to Commercial	August 10, 2004	August 25, 2004
ORD-095 PT of LOT 3 SALIDA CROSSING Sec 16, Twp 33, Rge 28 BECKER TOWNSHIP (Requested by Bevin Mitchell)	Rezone from Industrial to Commercial District	December 14, 2004	December 29, 2004
ORD-098 PT of SE1/4 of 17-35-30 and PT of SW1/4 of 16-35-30 HAVEN TOWNSHIP (Requested by Charles Hansen)	Rezone from Agricultural District to Industrial District	February 1, 2005	February 5, 2005
ORD-101 PT of SE1/4 and Pt of SW1/4 of	Rezone from Agricultural District to General Rural District	April 5, 2005	April 16, 2005

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LEGAL DESCRIPTION:	ACTION TAKEN:	DATE APPROVED BY COUNTY BOARD:	SUMMARY PUBLISHED:
11-34-29 BECKER TOWNSHIP (Requested by John Bender)			
ORD-111 W1/2 of NE1/4 & SE1/4 of NE1/4 ex E 662' 16-35-30 HAVEN TOWNSHIP (Requested by Van Vickle)	Rezone from Agricultural District to an Industrial District	Nov 1, 2005	Nov 12, 2005
ORD- 113 E662' of SE1/4 of NE1/4 less and ex N662' 16-35-30 HAVEN TOWNSHIP (Requested by Virgil Kruchten)	Rezone from Agricultural District to an Industrial District	Dec 13, 2005	Dec 24, 2005
ORD-121 N645.66' OF E864.57' OF E1/2 OF NE1/4 OF SEC 29, TWP 34, RGE 28 BECKER TWP (Requested by Alan Knutson)	Rezone from Urban Expansion To General Rural District	March 27, 2006	Approved by operation of law according MN State Statute 15.99 Subd 2
ORD-126 Lots 1 & 2 Dasa Depot and Lot 2 Blk 1 Salida Crossing 2nd Addn BECKER TWP (Requested by Stacey Angell)	Rezone from Ind District to Commercial District	April 11, 2006	April 22, 2006
ORD-130 Pt of Gov't Lot 3 Sec 35, Twp 33, Rge 28 Lying NEly of Hwy 11 & Nly of Hwy 25 BIG LAKE TWP (Requested by Dean Calpas – Monticello/Big Lake Assembly of God-owner)	Rezone from Rural Residential to Business and Industry District	June 6, 2006	June 17, 2006
ORD-133 Lot 1 Blk 1 Seeley's Pinewood Estates Sec 8, Twp 34, Rge 27 ORROCK TWP (Requested by Orrock Twp)	Rezone from General Rural Dist to Industrial District	July 11, 2006	July 22, 2006
ORD-136 Pt of N1/2 of NE lying SEly of Hwy 25 and all of Gov't Lot lying NEly of CSAH 14 35-33-28 (Requested by Nordic Land LLC) Big Lake Twp	Rezone from Agricultural District to an Industrial District	August 1, 2006	August 5, 2006

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LEGAL DESCRIPTION:	ACTION TAKEN:	DATE APPROVED BY COUNTY BOARD:	SUMMARY PUBLISHED:
ORD-137 Lot 2 Blk 1 Seeleys Pinewood Est Sec 8, Twp 34, Rge 27 Orrock Twp <i>(Requested by UMA Properties)</i> Orrock Township	Rezone from General Rural District to Industrial District	Sept 5, 2006	Sept 9, 2006
ORD-138 Sec 24, Twp 33, Rge 28 Big Lake Township 27.60 acres <i>(Pearson property)</i> Big Lake Township	Rezone from Industrial District to Commercial District	Dec 12, 2006	Dec 23, 2006
ORD-140 PID #01-004-3325 and Railside and Buenaventura Vista Second Sec 4, Twp 35, Rge 26 Baldwin Township	Rezone from Urban Expansion District to Industrial District	Dec 12, 2006	Dec 23, 2006
ORD-141 Buenaventura Vista Sec 4, Twp 35, Rge 26 Baldwin Township	Rezone from Urban Expansion District to Commercial District	Dec 12, 2006	Dec 23, 2006
ORD-148 Schendzielos Estates Lots 5,6,7 Blk 2; Lots 3,4,5,6 Blk 3 Sec 21, Twp 35, Rge 29 <i>(Requested by Carol Schendzielos)</i> Palmer Township	Rezone from Agricultural Use District to Commercial District	April 3, 2007	May 19, 2007
ORD-149 Schendzielos Estates Lot 1 Blk 1; Lots 1,2,3,4 Blk 2; Lots 1,2 Blk 3 Sec 21, Twp 35, Rge 29 (As requested by Carol Schendzielos) Palmer Township	Rezone from Agricultural Use District to Industrial District	April 3, 2007	May 19, 2007
NW1/4 of NW1/4, S1/2 of NW1/4 & N1/2 of SW1/4 Sec 17, Twp 33, Rge 28 200 acres Becker Township <i>(Requested by Veit USA)</i>	Rezone from Ag District to Heavy Industrial District	<i>DENIED</i> Dec 11, 2007	NA
ORD-159 NW1/4 of th NW1/4 Sec 7, Twp 33, Rge 27	Rezone General Rural to Industrial District	May 6, 2008	May 17, 2008

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LEGAL DESCRIPTION:	ACTION TAKEN:	DATE APPROVED BY COUNTY BOARD:	SUMMARY PUBLISHED:
Big Lake Township (Requested by Pearson/Weston)			
ORD-160 Properties rezoned to comply with lands areas identified in Orderly Annexation Agreements between Livonia Twp and City of Zimmerman Livonia Township	Properties within Annexation Agreement area zoned to Urban Expansion; Properties currently zoned UE and not included in Annexation Agreement be rezoned to Gen Rural or Commercial depending upon how land is being used.	May 6, 2008	May 17, 2008
ORD-174 Lots 3,4,5,6,7 Blk 1 Georgetown 1 st Sec 9, Twp 35, Rge 26 Baldwin Township (Requested by Leroy & Troy Anderson)	Rezone from Commercial District to Industrial District	Nov 1, 2009	Nov 7, 2009
ORD- DENIED NE1/4 of SE1/4 (Requested by Duane Bender) Palmer Township	Rezone from Agricultural to General Rural District	<i>DENIED</i> APR 2, 2013	
ORD-207 NE14 of SW1/4 Sec 16, Twp 35, Rge 30 51.34 acres Requested by Mike Haus Haven Township	Rezone from Industrial to Agricultural	1/6/2015	1/17/2015
ORD-219 Sec 27, Twp 35, Rge 29 Land within 1000' of Rush Lake Requested by Schmiesing Family Partnership Palmer Township	Rezone from Agricultural to Shoreland Residential District all land within 1000' of Rush Lake	6/14/2016	6/25/2016

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ORD-220 Sec 16, Twp 35, Rge 30 8.96 acres Requested by Mies Properties Haven Township	Rezone from Industrial to Commercial District	10/11/2016	10/15/2016
ORD-224 Sec 30, Twp 35, Rge 26 4.62 acres Requested by James E. Y Phyllis Ludwig Baldwin Township	Rezone from General Rural to Shoreland Residential District	10/3/2017	10/7/2017
ORD-229 Sec 24, Twp 33, Rge 28 59.67 acres Requested by Robert M Graham TTE Big Lake Township	Rezone from Industrial District to Urban Expansion District	8/7/2018	8/18/2018
ORD-232 Sec 35, Twp 33, Rge 28 9.06 acres Requested by Vickers Big lake Township	Rezone from Ag District to Commercial District	12/11/18	12/22/2018
ORD-243 Sec 16, Twp 35, Rge 30 12.79 acres Requested by Teders Haven Township	Rezone from Ag District to Industrial District	10/1/2019	10/12/2019
ORD-244 Sec 9, Twp 35, Rge 26 4.79 acres Requested by Chenny Auto Inc. Baldwin Township	Rezone from Industrial District to Commercial District	4/7/2020	4/18/2020
ORD-247 Sec 5, Twp 35, Rge 26 23 acres Requested by EDF Renewables Baldwin Township	Rezone from Urban Expansion District to General Rural District	6/9/2020	7/11/2020
ORD-253 Sec 36, Twp 33, Rge 27 12.16 acres Requested by Justin Massmann Big Lake Township	Rezone from Agricultural District to General Rural District	6/15/2021	7/24/2021
ORD-254 Sec 4, Twp 35, Rge 26 3 acres Requested by Anderson Brothers Properties LLC and Orton Properties LLC Baldwin Township	Rezone from Commercial District to Industrial District	6/15/2021	7/24/2021

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ORD-258 Sec 34, Twp 35, Rge 29 10.5 acres Requested by John Walker Palmer Township	Rezone from Agricultural District to Shoreland District	8/3/2021	8/21/2021
ORD-261 Sec 23, Twp 33, Rge 28 3.37 acres Requested by World of Wheels Properties, LLC Big Lake Township	Rezone from Industrial District to Commercial District	11/16/2021	12/4/2021

Sherburne County Zoning Ordinance And Official Zoning Map

ORD-002

Ordinance available at Planning Zoning website:

<http://www.co.sherburne.mn.us/zoning>

July 5, 1994

LAST AMENDED APRIL 2021

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ZONING ORDINANCE OF SHERBURNE COUNTY

AN ORDINANCE REQUIRING PERMITS FOR BUILDINGS, STRUCTURES AND THE USES THEREOF; FOR LAND USES AND FOR WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES; AND ESTABLISHING MINIMUM LOT SIZES, SETBACKS AND SIDE YARDS; PROVIDING FOR PARKING AND OTHER REQUIREMENTS; AND IMPOSING PENALTIES.

SECTION 1 - PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare throughout Sherburne County by lessening congestion in the public rights-of-way, securing safety from fire, panic and other dangers, providing adequate lights and air; facilitating the adequate provision of water, sewerage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land; and, pursuant to "an act authorizing county planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls" passed by the Legislature of the State of Minnesota.

SECTION 2 - TITLE

This Ordinance shall be known and may be cited and referred to as the "Sherburne County Zoning Ordinance"; when referred to herein, it shall be known as "this Ordinance"

SECTION 3 - VALIDITY

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

SECTION 4 - JURISDICTION, SCOPE AND INTERPRETATION

Subdivision 1: Jurisdiction

The jurisdiction of this Ordinance shall apply to all the area of Sherburne County outside the incorporated limits of municipalities with the exception of Becker Township. All unincorporated areas will continue to be governed by this ordinance for the Floodplain and Mississippi Scenic and Recreational River Districts. *The jurisdiction of this ordinance as it pertains to road access and road standards shall be county wide (inclusive of those roads within municipal limits).*

Subdivision 2: 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/or area, added to or relocated, and every use within a building or use accessory thereto in the county 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 shall be subject to Section 17, Subd. 10.

Subdivision 3: Permitted Uses

Permitted Uses, as hereinafter listed, shall be allowed in the District indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the Zoning District in which such building, structure or land is located, except for the following exceptions:

- A. Uses lawfully established prior to the effective date of Ordinance subject to Section 17, Sub. 10, Nonconformities.
- B. Conditional uses allowed in accordance with Section 16 of this Ordinance.
- C. Essential public services are permitted uses in all zoning districts and are not subject to height, yard, lot, setback or flood plain requirements or permits, except as provided in or as otherwise specifically regulated hereafter.
- D. Gas regulator stations, electric substations and similar essential public service structures not customarily considered industrial in use are permitted uses in all

Zoning Districts except that no such structure shall be located within 20 feet of any lot line of an abutting lot in any Residence District.

Subdivision 4: Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Subdivision 5. Lots of Record

All lots which are a part of a subdivision legally recorded with the County Recorder/Registrar of Title and lot or lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Title prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

Subdivision 1: Rules of Language Construction

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary. Unless otherwise specified, all distances shall be measured horizontally and in feet.

Subdivision 2: Definitions

Accessory Structure: A structure which is customarily incidental and subordinate to, the principal use of a property, and which is located on the same lot as the principal structure.

Accessory Use: A use that is ancillary to the principal use of a property.

Activities Requiring Rural Isolation: Recreational, educational, institutional, or religious facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land.

Adults-Only Bookstore: An establishment having at least 10 percent of its stock in trade, as measured by retail value, books, magazines, video tapes, computer software, films for sale or viewing on the premises by use of motion picture devices, computers, televisions, video cassette recorders or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

Adults-Only Motion Picture Theater: An enclosed building used regularly and routinely for presenting programs, or material distinguished or characterized by an emphasis on matter depicting or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, for observation by patrons therein.

Adult Entertainment Center: An enclosed building or a part of an enclosed building wherein may be observed nudity, sexual conduct, sexual excitement or sadomasochistic abuse and/or one or more live persons unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals.

Agriculture: May also include animal husbandry, tree nurseries, and orchards. The cultivation of soil for crops with the intention of making a cash profit.

Agricultural Building means a structure that is:

- A. On agricultural land as determined by the governing assessor for the municipality or county under State Statute Section 273.13, subdivision 23;
- B. Designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and
- C. Used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

Aircraft: Any machine for flying as defined by the Federal Aviation Administration.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

Animal Unit (AU): A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting value for the total number of animal units. The following multiplication factors shall apply:

- A. Dairy cattle:
 1. One mature cow (whether milked or dry):
 - a. Over 1,000 pounds, 1.4 animal unit; or
 - b. Under 1,000 pounds, 1.0 animal unit;
 2. One heifer, 0.7 animal unit; and
 3. One calf, 0.2 animal unit;
- B. Beef cattle:
 1. One slaughter steer or stock cow, 1.0 animal unit;
 2. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
 3. One cow and calf pair, 1.2 animal unit; and
 4. One calf, 0.2 animal unit;
- C. One head of swine:
 1. Over 300 pounds, 0.4 animal unit;
 2. Between 55 pounds and 300 pounds, 0.3 animal unit; and
 3. Under 55 pounds, 0.05 animal unit;
- D. One horse, 1.0 animal unit;

- E. One sheep or lamb, 0.1 animal unit;
- F. Chickens:
 - 1. One laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
 - 2. One chicken if the facility has a dry manure system:
 - a. Over five pounds, 0.005 animal unit; or
 - b. Under five pounds, 0.003 animal unit;
- G. One turkey:
 - 1. Over five pounds, 0.018 animal unit; or
 - 2. Under five pounds, 0.005 animal unit;
- H. One duck, 0.01 animal unit; and
- I. For animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Apartment: A room or suite of rooms in a multi-use building arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping unit.

Apartment Building: Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats or apartments.

Asphalt & Concrete Mixing Plants, Portable: A temporary facility crushing, washing, refining, or processing of sand, gravel, and rock on the site of a permitted CUP/IUP for Grading, Excavating or Filling, or in conjunction with a municipal road project.

Auction Business: A building, area or areas within a building used for the regularly scheduled public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes farm auctions, estate sales, garage sales, or similar on-site events conducted no more than six (6) days (i.e. two weekends) per calendar year.

Automobile Repair Shop: Any building or premises or portion thereof, used or intended to be used for motor vehicle repair, that may have minor retail sales.

Automobile Service Station: Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

Automobile or Trailer Sales Lot: An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Wrecking, Salvage Yard: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bed-and-Breakfast Establishment: A structure designed and used as a residence in which one or more bedrooms are rented to transient guests on a day-to-day basis and in which meals are served to these overnight guests.

Billboard: See Advertising Sign.

Bluff impact zone: A bluff and land located within 20 feet from the top of a bluff.

Bluff: (In Shoreland District): A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff): (1) part or all of the feature is located in a shoreland area; (2) the slope rises at least 25 feet above the ordinary high water level of the waterbody; (3) 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 (4) the slope must drain toward the waterbody.

Bluff: (In Mississippi and Wild and Scenic River District) : Considered a slope on any slope greater than 13% (13 feet vertical rise in 100' horizontal distance).

Bluffline: (In Mississippi and Run Scenic and Recreational River): a line along the top of a slope connecting the points at which the slope becomes less than 13 percent.

Boarding House: A dwelling where meals or lodging, or both, are provided for compensation to three or more persons, who are not transients, by prearrangement for definite periods, in contradistinction to hotels and motels as herein defined.

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

Buffer: The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the earth.

Buildable Lot Area: The minimum contiguous area meeting the buildable lot area requirements of the applicable zoning district remaining on a lot or parcel of land after all public road rights-of way, all easements, setbacks, and wetlands are subtracted. In the Shoreland District, all land below the ordinary high water level of public waters, bluffs, areas with slopes greater than eighteen (18) percent, and floodways shall also be subtracted. Land where other legal or ordinance restrictions exist, which would prevent or prohibit the placement of a structure shall also be subtracted.

Business: Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

Business Sign: A sign which only pertains to the use of the premise on which it is located.

Campground, Recreational: Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance facilities, and other uses as determined by the Zoning Administrator. Recreational Campgrounds exclude:

- (1) United States Forest Service camps
- (2) State forest service camps
- (3) State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landings

Cellar: A portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians or dentists, or both, practicing together.

Cluster Plat: A grouping of residential structures on smaller lots than are typically allowed in the specific zoning district.

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

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

Commissioner. The Commissioner of the Department of Natural Resources.

Common Open Space: Land used for agriculture cropland, pasture, natural habitat, pedestrian corridors and / or recreational purposes that is either protected by a conservation easement, or limited to future development.

Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the County.

Conditional Use: A use of land not normally allowed in a particular zoning district but which may be allowed under certain conditions.

Contractors' Yard: A defined site or parcel of land used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades such as: landscaping, road building, sewer installation, transport/hauling or a similar trade. Three categories of Contractor's Yard are provided under Interim Use Permits in this Ordinance.

Convenience Food Restaurant: A business whose principal function is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics: (1) foods, frozen desserts, or beverages are usually served in edible containers or in paper, styrofoam, or other disposable containers, (2) the customer is not served food at his or her table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.

Convenience Store: A store selling on a retail basis food for consumption off the premises along with other items, sometimes including gasoline; differentiated from a grocery store by its size of not more than 5,000 square feet.

County: Sherburne County.

County Board: The Sherburne County Board of Commissioners.

Daycare, Commercial: A licensed childcare facility that is not a Family Daycare.

Daycare, Family: A licensed facility permitted under Minnesota Rules part 9502.0315, subpart 11 or successor rules and Minnesota Rules part 9502.0315 or its successor. An family daycare is permitted as a Single Family Residence, and shall be limited to the principal structure (i.e. house) and may include use of the yard. One non-illuminated sign is allowed totaling not more than 3 sq ft.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point.

Directional Sign: A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.

District: A section or sections of Sherburne County for which the provisions of this Ordinance are uniform.

Dwelling Single-Family: A detached building designed for and occupied by not more than one family.

Dwelling Unit: A building or portion of a building including kitchen facilities permanently installed which are arranged, designed, used or intended for use as living quarters for one household.

Dwelling, Detached: A dwelling, including its attached garage, if any, which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family: A building designed for or occupied by more than two families.

Employee: An individual who performs services for another for hire, regardless of whether wages, salary, benefits, or their equivalents are paid, whether under the direct control or indirect control (i.e. as an independent contractor) of another person or entity, forty (40) hours or more per calendar year on a given property.

Equal Degree of Encroachment: A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services: Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, firealarm boxes, policy call boxes, and accessories in connection therewith, but not including buildings for the purpose of this ordinance and work. "Building" does not include "structure" for essential services.

Excavation: The extraction of sand, gravel, rock, soil or other material from the land. Excavation shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility highway construction or minor agricultural and sod removal.

Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed within a building.

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.

Family Day Care Home: A single-family home, duplex, or apartment unit providing day care for no more than ten children including the day care operator's children under five years of age.

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

Fire Prone Areas: Fire prone areas are areas which contain natural conifer stands or conifer plantations, which due to flammability of the tree needles, associated ground vegetation, accumulation of duff on the ground, and presence of drought soils, pose a great potential for rapidly spreading wildfires.

Fish House: A portable structure constructed and maintained for the purpose of providing shelter during ice fishing.

Fish House, Dead Storage: Fish houses which are not used as temporary residences during the off season.

Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

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

Flood Plain: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood-Proofing : A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge as determined by FEMA and designated on the flood maps.

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

Forestry: The use and management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Foster Family Home: A family home where persons out of their own homes are cared for 24 hours a day for a period of 30 days or more.

Frontage: All the property fronting on one side of a street, measured along such street, between an intersecting street and another intersecting street, a right-of-way, waterway, end of a dead-end street, or municipal boundary.

Group Home: A specialized residential facility that provides care on a 24 hour basis for a selected group and providing specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator.

Height of Building: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Home Business: Any occupation which is clearly incidental to the principal use of the homestead as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

Home Occupation: Any occupation which is clearly incidental to the principal use of the home as a single family dwelling unit, is conducted within the dwelling, is conducted by a resident occupant, and does not change the character of the principal use, provided:

- A. Such occupation is carried on entirely within the principal structure
- B. No more than two people are employed other than a member of the household residing on the premises.
- C. Not more than 25 percent of the gross floor area of the residence is used for this purpose.
- D. One non-illuminated sign is allowed totaling not more than 3 square feet and located on the premises.
- E. No articles for sale are displayed so as to be visible from any street.
- F. No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet environment of the area.
- G. Such occupation does not generate more than three additional vehicles at any one time.

Hospital: An institution providing health services and medical or surgical care, primarily for in-patients, to three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house as herein defined. A hotel has more than six guest rooms.

Household: Any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.

Illicit Discharge: Any direct or indirect non-storm water discharge to the County's storm drain system, except as exempted in 17.1, Subdivision 14.1 A-C of this ordinance.

Illicit Connections:

Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the County's storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

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, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

Improved Parking Surface: An area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones, crush gravel or other durable materials approved by the Zoning Administrator or delegated staff.

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

Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Intimate Parts: "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks or breast of a human being.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, until zoning regulations no longer permit it, or until the land occupation of the interim use changes ownership.

Kennel, Commercial: Any place where four or more dogs over six months of age are owned, kept, boarded, bred and / or offered for sale.

Kennel, Private: Any place where four or more dogs over six months of age are owned or kept for private enjoyment.

Laundromat: An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering purposes.

Light Industry: The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Local Street: A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

Lot width: The shortest distance between lot lines measured at the building front setback line.

Lot, Corner: A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where it is possible to draw two intersecting chords, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 120 degrees.

Lots of Record: All lots which are a part of a subdivision legally recorded with the County Recorder/Registrar of Title and lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Title prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

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.

Manufactured (Mobile) Home: A structure, transportable in one or more sections, which in the travelling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under State law.

Manufactured (Mobile) Home Park: A lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home.

Manure, or Animal Manure: Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Manure Storage Area: An area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and manure composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MN Rule 7020.2000, Subp 3, are not manure storage areas.

Massage Parlor: An establishment or place primarily in the business of providing massage services.

Mini-Storage: Facility used for the purposes of renting or leasing individual indoor storage space to occupants who are to have year-around access to such for the purposes of storing and removing personal property.

Mining: Refer to "Excavation."

Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Motor Vehicle: Means every vehicle that is self-propelled including, but is not limited to, all-terrain vehicles, buses, motorcycles, passenger cars, recreational vehicles, semi-trucks, snowmobiles, boats and other watercraft, trucks, and vehicles used for racing or demolition derbies.

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing use for the zoning districts in which such use is located.

Non-Conforming Building or Structure: Any building or structure lawfully existing at the time of the approval of this Ordinance, or any amendment to it rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Nonconformity: Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written.

Nudity: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

Nursing Home: An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such an establishment; a hospital shall be construed to be included in this definition.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office-Showroom Building: A building in which at least 20 percent of the floor space is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing. Floor-to-ceiling joist heights in the warehouse portion would be not more than 14 feet.

Open Space: That portion of a land parcel not occupied by buildings, other structures, or parking areas. Land that is largely free of man-made structures. May include but is not limited to natural areas, parks and agricultural lands.

Open Space Recreation Use: A land use particularly oriented to and utilizing the outdoor character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Operable Motor Vehicle: Motor Vehicle must be able to start and drive forward and reverse on its own power and steer, have front and back license plates and current registration tabs, fully intact windshield, working headlights, taillights, and turn signals, and tires that are inflated according to motor vehicle's standards.

Ordinary high water level: 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 upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot: A lot that is in a plat that is not buildable for a residence by itself.

Park Trailer: A trailer that: (1) exceeds 8½ feet in width in travel mode but is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width; and (2) is used as temporary living quarters. "Park trailer" does not include a manufactured home.

Pawnbroker: A person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on the condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. This definition includes, but is not limited to personal property such as antiques, boats, motors, snowmobiles, ATVs, fish locators, furs, electronic goods, sporting goods, guns, and woodworking/farm tools.

Permanent Residence: Any trailer, vehicle, or building being used as living quarters between November 1 of the year and May 1 of the following year. These residences shall meet the minimum requirements for a Single Family Residence.

Personal Storage Structure: An accessory structure used for non-commercial use that in some cases may be conditionally permitted as the only structure on a parcel.

Planned unit development: (Shoreland) A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized

and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planned unit development: (Highway) A type of development, or redevelopment to allow, or preserve appropriate land uses adjacent to major county, state, and federal highway intersections in order to help meet the goals and objectives of the Sherburne County Comprehensive Land Use Plan, Transportation Plan, and related Ordinances. These developments may be accomplished by incorporating a mixture of dimensional regulations, and or uses as regulated by an Interim Use Permit.

Pole Building: A post frame construction building made of wooden or metal parts, with metal panels covering three or more sides, and without a full foundation.

Pool: any structure, chamber, or tank 5,000 gallons or greater in size, containing an artificial body of water designed primarily for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

Pool, Spa: a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term “whirlpool.”

Pool, Wading: any pool with a maximum depth of 24” used or designed to be used exclusively for wading.

Primitive Campsite: An area that consists of individual remote campsites accessible only by foot or water.

Principal Use: The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Principal Building: A bldg in which is conducted the principal use of the lot on which it is situated.

Private Club or Lodge: A bldg and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

Public waters: Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15 and 19.

Rap Parlor: An establishment or place primarily in the business of providing nonprofessional conversation or similar services.

Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational Vehicle:

- A. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
- B. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- C. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
- D. Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Regional Flood: a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory Flood Protection Elevation: An elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Resort: A building, structure, enclosure, or any part thereof located on, or on property neighboring any lake, stream, skiing or hunting area, or any recreational area for purposes

of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent one or more cottages, rooms, or enclosures.

Restaurant: An establishment where food is available to the general public for consumption on the premises.

Rural Tourism: Farm or other historical heritage attractions that include, single family residential properties for day retreats, crafting parties, weddings, receptions, hay rides, corn-mazes and holiday celebrations or similar rural uses. That are shown to have a unique and demonstrable relationship with Sherburne County or the region and its history lore and or natural resources.

Sadomasochistic Abuse: Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Sauna: An establishment or place primarily in the business of providing (i) a steam bath and (ii) massage services.

Salvage and Wrecking Yard: An outdoor facility used by a business engaged in the reclamation of parts or materials from machinery or buildings.

Satellite Antenna: A device for the reception of signals from communication satellites.

Screened: When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

Seasonal or Temporary Businesses: Where the business is an accessory use of the property, and may be utilized for not more than ninety (90) days per calendar year.

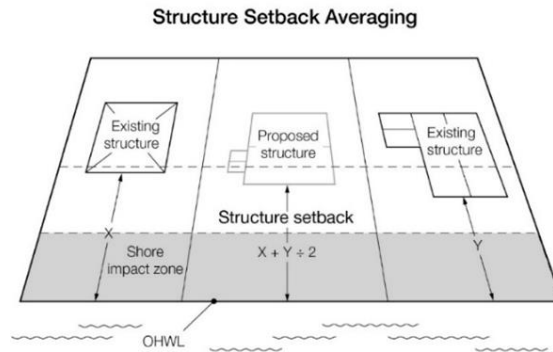
Seasonal Storage: Where 25% or more of an agricultural building(s) is converted for the purposes of renting or leasing indoor storage space for storing and removing personal property, and where the facility is open to the public in the spring and fall on a limited seasonal basis, a Conditional Use Permit for Seasonal Storage shall be required.

Semipublic use: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. (All dimensions are measured in feet)

Setback Averaging: Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure):



Sewage treatment system: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 17, Subd. 1, of this ordinance.

Sewered Areas: An area that is serviced by a wastewater treatment facility (s), or publicly owned, operated, or supervised centralized septic systems servicing the entire development. **Advisory Committee Comment: This is the definition used in Minnesota Rules Chapter 7080.*

Sewer system: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Sexual Conduct: Acts of masturbation, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast, and includes any of the following acts:

- A. the touching by a person of another's intimate parts, or
- B. the touching of the clothing covering the immediate area of the intimate parts
- C. sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
- E. any intrusion however slight into the genital or anal openings of a person's body by any part of another's body or any object used by the person for this purpose.

Sexual Excitement: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Sexually-Oriented Business: Any business including, but not limited to, adults-only bookstores or motion picture theaters or adult entertainment centers, massage parlors, rap parlors, saunas.

Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

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 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 which extend landward from the waters for lesser distances and when approved by the Commissioner.

Sign Area: Projecting or freestanding signs: The area of a freestanding or projecting sign shall be the area of the largest face including its border area. If a sign has an irregular shape or has open spaces within its border, the sign area shall be the area of the smallest single rectangular figure that encloses it. If a freestanding sign or sign structure is constructed so that the faces are not back to back, the angles shall not exceed ten degrees, the total area of both sides added together shall not exceed the maximum allowable sign area for that district.

Significant historic site: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single Family Residence: A dwelling which is a minimum of twenty four (24) feet wide and a minimum of seven hundred and twenty (720) square feet in main floor area.

Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy of transferring heat from a collector to another medium using mechanical, electrical or chemical means.

Solar Farm. A solar energy system composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity. Solar Farms include but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with the MN Statute 216B.1641 or its successor statute.

Solar (Accessory) Energy System, Ground-Mount. A solar energy system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building and that is accessory to the principal land use, designed to supply energy only for the principal use.

Solar (Accessory) Energy System, Rooftop. A solar energy system mounted on the roof of a building and is accessory to the principal land use, designed to supply energy only for the principal use.

Steep slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, decks, detached garages, cabins, manufactured homes, travel trailers/vehicles.

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

Surface water-oriented commercial use: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Temporary Start-Up Business: Any temporary occupation which is clearly incidental to the principal use of the homestead as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use. The temporary business use shall have a definite expiration date, at which time the business use shall cease operations on the permitted property.

Toe of the bluff: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Townhouses: A group of attached single-family dwelling units on a common lot.

Trailer equipment: Where permitted equipment may be legally transported on one trailer at one-time. Example: If a property is permitted to store one commercial vehicle, one trailer, and trailer equipment, all equipment must be able to be legally transported on that one trailer, at one time.

Truck Terminal: A warehouse and distribution business specializing in the shipment or storage of goods or materials.

Variance: Shall have the meaning given in Minnesota Statutes, section 394.22, subdivision 10; or successor statutes. (any modification or variation of official controls where it is determined that,

by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.)

Warehousing: The storage of materials, goods, or equipment within an enclosed building as a principal use.

Water-Oriented Accessory Structure or Facility: 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.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by nonwetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland are" means a portion of "a wetland" or "the wetland."

Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Wholesaling: The selling of goods, equipment, or materials to another business that in turn sells to other customers.

Wooded: A tract of land that has tree canopy over at least 75 percent of it.

Zoning District: An area or areas within the limits of the County of Sherburne for which the regulations and requirements governing land use are uniform.

SECTION 6 - CLASSIFICATION OF DISTRICTS

Subdivision 1: Districts

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

- Agricultural District
- General Rural District
- Urban Expansion District
- Commercial District
- Industrial District
- Heavy Industrial District
- Residential PUD Overlay District
- Floodplain District
- Shoreland Overlay District
- Shoreland Residential District
- Scenic and Recreational River District

Subdivision 2: Zoning Map

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps. Said maps, known as the "County Zoning Maps," and consisting of sheets and all notations, references and data shown thereon, are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said maps, and amendments thereto shall be recorded on said Zoning Maps within thirty days after official publication of amendments. The official Zoning Maps shall be kept on file in the Zoning Administrator's Office.

Subdivision 3: District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law.

SECTION 7 - AGRICULTURAL DISTRICT

Subdivision 1. Purpose

The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to prevent scattered non-farm growth, and to protect from deleterious influences those farms locations that have high investments in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Agricultural Zoning District.

Subdivision 2. Permitted Uses

1. Agricultural Uses
2. Communication Towers up to 200' in height (see Section 16.5)
3. Daycare, Family
4. Feedlots and/or Manure Storage Areas (Tier 1 – Tier 3) meeting the requirements of Section 17, Subd 16
5. Grading, Filling or Excavating Temporary
6. Home Occupation
7. Motor Sport Facilities, Private
8. Private and/or Commercial Kennels (see Ordinance No 134)
9. Parks, Open Spaces, Wild Life Refuges (Public)
10. Single-Family Homes

11. Slaughterhouse (see Section 16.1)
12. Windpower Management (Hobbyist)

Subdivision 3. Conditional Uses

Land in the Agricultural District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 16 for a description of the requirements for each of these Conditional Uses.

1. Aircraft Landing Strip, Private
2. Airport, Public
3. Aquaculture
4. Cemeteries
5. Churches
6. Communication Towers up to 200' in height (see Section 16.5)
7. Daycare, Commercial
8. Farm Related Business
9. Feedlots and/or Manure Storage Areas (Tier 4) meeting the requirements of Section 17, Subd 16
10. Game Refuge, Private
11. Historical Site
12. Nursery, Retail
13. PUD, Residential (must be located within R-PUD Overlay District A or B)
14. Permanent Government Structure
15. Personal Storage Structure
16. Riding Academies, Stables and Similar Uses
17. Seasonal Storage

- 18. Second Farm Related Dwelling
- 19. Windpower Management, Commercial

Subdivision 4. Interim Uses

Land in the Agricultural District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 16.2 for a description of the requirements for each of these Interim Uses.

- 1. Activities Requiring Rural Isolation
- 2. Asphalt & Concrete Mixing Plants, Portable
- 3. Auction Business
- 4. Bed and Breakfast
- 5. Campgrounds, Recreational
- 6. Contractors' Yard (Small)
- 7. Home Business in an Accessory Building
- 8. Manufactured Home, Farm Related (temporary seasonal)
- 9. Manufactured Home, Farm Related (temporary year-around)
- 10. Manufactured Home (temporary) for Parents, Grandparents, Sisters or Brothers by Blood or Adoption
- 11. Mining
- 12. Occasional Special Event
- 13. Planned Unit Development (Highway)
- 14. Recreational Activity
- 15. Slaughterhouse (see Section 16.1)
- 16. Solar Farm
- 17. Temporary Start-up Business

18. Temporary Tire and/or Waste Collection and/or Recycling Operations
19. Temporary Use by Government Entities
20. Yard Waste Composting

Subdivision 5. Accessory Uses

1. Home Occupations
2. Living quarters in the principal farm dwelling of persons employed on the farm
3. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Planning Commission.
4. Private Garages
5. Solar (Accessory) Energy System, Ground-Mount
6. Solar (Accessory) Energy System, Rooftop

Subdivision 6. Dimensional Regulations (All dimensions are measured in feet)

1. Minimum Lot Sizes:

Unplatted parcels: 1 parcel per 40 contiguous acres +/-.

In the Agricultural District when a portion of a property is rezoned and platted to either Commercial or Industrial, the remainder of the property not platted may continue to be metes and bounds provided that it stays in the Agricultural District and is at least twenty (20) acres.

Platted lots: 1 lot per 5 contiguous acres

Simple Plats consisting of one (1) lot with a residence existing prior to May 1, 2012 may be allowed without meeting any wooded requirement if the remaining unplatted parcel is 40+/- contiguous acres or larger.

Simple Plats consisting of two or three lots may be subdivided if each lot is wooded (see definition of “wooded”).

Housing Density: 1 single family residence per lot

2. Buildable Lot Area No public or shared sewage treatment system 40,000 sq. ft.

3. Minimum Lot Dimensions:

Width: 300 (measured at the building setback line)
Depth: 300

4. Minimum Setbacks, Principal or Accessory Structures:

Unplatted parcels:

Front, Unplatted (from centerline):

Township Road: 100
County Road: 100
County State-Aid Highway: 130
Highways 24 or 25: 150
Highways 10 or 169: 200 of centerline of closest traveled lane or 80 from centerline of service road, whichever is greater

Side or rear, unplatted parcels abutting agricultural land: 50

Side: 10*, if lot in question and adjoining lot are 5 acres or less

Rear: 25, if lot is 5 acres or less and does not abut agricultural land

Side or rear from Sherburne County National Wildlife Refuge or publicly owned land in The Sand Dunes State Forest: 100

County Ditch (from top of ditch bank) 50

A residence not located on the same property as a feedlot or manure storage area shall meet the minimum setbacks from a feedlot and manure storage area, as set forth in Section 17, Subd 15. However, a residence existing prior to November 8, 2014, that does not comply with the feedlot or manure storage area setbacks, may continue and may expand without being considered a non-conforming structure.

Platted Lots:

Front, Platted Lots (from right-of-way):	
Township Road:	67
County Road:	50
County State-Aid Hwy.:	70
Highways 24 or 25:	80
Highways 10 or 169:	100

Interior Side: 10*

* *Author's note: If property owner is proposing to go closer than 20 feet from side lot line, applicant will either need a survey or a signed statement from a neighbor stating they both agree on the property line, then you may be only as close as 10 feet.*

Side or rear: 25, if not abutting agricultural land

Side or rear, non-farm housing
abutting agricultural land 100

Side or rear, accessory structures
abutting agricultural land: 50

Side or rear from Sherburne National
Wildlife Refuge or publicly owned land
in the Sand Dunes State Forest. 100

County ditch (from top of ditch bank) 50

Pipeline Easements/Right of Way 50

A residence not located on the same property as a feedlot or manure storage area shall meet the minimum setbacks from a feedlot and manure storage area, as set forth in Section 17, Subd 15. However, a residence established prior to [date of ordinance], that does not comply with the feedlot or manure storage area setbacks, may continue and may expand without being considered a non-conforming structure.

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

5. Maximum Building Heights:
- | | | |
|--------------------------|---|--|
| Dwellings: | 2-1/2 stories or 35 feet, whichever is less | |
| Agricultural Structures: | No restriction | |
| Accessory Structure | 25' if on less than 5 acres | |
| Accessory Structure | 35' if 5 acres or more | |

Personal Storage Structure 25'

6. Maximum Building Depth Below Grade:
Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.”

Subdivision 7. Road Intersections

Road intersections and highway accesses shall conform to the Sherburne County Transportation Plan, *Table 11, “Rural and Developing Areas Access Spacing Guidelines”*.

Subdivision 8. Pre-Existing Non-Agricultural Activities.

A permit may be issued for expansion of uses located on parcels zoned for a use other than agriculture prior to the adoption of this Ordinance if there is no other provision under which such uses can operate. The permit shall provide for the expansion of existing uses, but shall not provide for a change to a different use.

Subdivision 9. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, manufactured homes, site plan reviews and animals are presented in Section 17, General Development Regulations.

SECTION 8 - GENERAL RURAL DISTRICT

Subdivision 1. Purpose

The purpose of the General Rural District is to provide locations for agriculture, agriculturally-related development, and housing on lots without public sewer or water services.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the General Rural Zoning District.

Subdivision 2. Permitted Uses

1. Agricultural Uses
2. Communication Towers up to 200' in height (see Section 16.5)
3. Daycare, Family
4. Docks, Temporary
5. Feedlots and/or Manure Storage Areas (Tier 1) meeting the requirements of Section 17, Subd 16
6. Grading, Filling or Excavating Temporary
7. Home Occupation
8. Motor Sport Facilities, Private
9. Private and/or Commercial Kennel (see Ordinance No 134)
10. Single-Family Housing
11. Windpower Management (Hobbyist)

Subdivision 3. Conditional Uses

Land in the General Rural District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for a description of the requirements of each of these Conditional Uses.

1. Aircraft Landing Strip, Private
2. Airport, Public
3. Aquaculture
4. Cemeteries
5. Churches
6. Communication Towers up to 200' in height (see Section 16.5)
7. Daycare, Commercial
8. Farm Related Business
9. Farm Related Bunkhouse for a Temporary Residence
10. Feedlots and/or Manure Storage Areas (Tier 2 – Tier 5) meeting the requirements of Section 17, Subd 16
11. Game Refuge, Private
12. Golf Course
13. Historical Site
14. Motor Sports Facility, Public
15. Nursery, Retail
16. PUD, Residential (must be located within an R-PUD Overlay District A or B)
17. PUD, Shoreland
18. Permanent Government Structure
19. Personal Storage Structure
20. Radio Facility
21. Riding Academies, Stables and Similar Uses

- 22. Seasonal Storage
- 23. Second Farm-Related Dwelling

Subdivision 4. Interim Uses

Land in the General Rural District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 16.2 for a description of the requirements for each of these Interim Uses.

- 1. Activities Requiring Rural Isolation
- 2. Asphalt & Concrete Mixing Plants, Portable
- 3. Auction Business
- 4. Bed and Breakfast
- 5. Contractor's Yard (Small and Medium)
- 6. Farm-Related Bunkhouse for a Temporary Residence
- 7. Home Business in an Accessory Building
- 8. Manufactured Home, Farm Related (temporary seasonal)
- 9. Manufactured Home, Farm Related (temporary year-around)
- 10. Manufactured Home (Temporary) for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption)
- 11. Mining
- 12. Occasional Special Event
- 13. Planned Unit Development (Highway)
- 14. Recreational Activity
- 15. Rural Tourism
- 16. Slaughterhouse (see Section 16.1)
- 17. Solar Farm
- 18. Temporary Start-up Business
- 19. Temporary Use by Government Entities

Highways 24 or 25:	150
Highways 10 or 169:	200 of centerline of closest traveled lane or 80 from centerline of a service road

Front, Platted Lots (from right-of-way):

Township Road:	67, 50 if clustered
County Road:	50
County State-Aid Hwy:	70
Highways 24 or 25:	80
Highways 10 or 169:	100

Platted or Unplatted:

Side setbacks:	10*
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** Author's note: If property owner is proposing to go closer than 20' from side lot line, applicant will either need a survey or a signed statement from a neighbor stating they both agree on the property line, then you may be only as close as 10 feet.*

Rear setbacks:	25
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Side or rear setback from Sherburne National Wildlife Refuge or publicly owned land in the Sand Dunes State Forest	100
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County Ditch (from top of ditch bank)	50
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Pipeline Easements / Right of Way	50
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A residence not located on the same property as a feedlot or manure storage area shall meet the minimum setbacks from a feedlot and manure storage area, as set forth in Section 17, Subd 15. However, a residence established prior to November 8, 2014, that does not comply with the feedlot or manure storage area setbacks, may continue and may expand without being considered a non-conforming structure.

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

6. Maximum Building Heights:

Dwellings:	25 feet in shoreland or 35 feet elsewhere
Agricultural buildings:	No restrictions
Accessory Structure	25' if on less than 5 acres
Accessory Structure	35' if 5 acres or more

Personal Storage Structure 25'

7. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.

Subdivision 7. Road Intersections/Highway Accesses

Road intersections and highway accesses shall conform to the Sherburne County Transportation Plan, *Table 11, "Rural and Developing Areas Access Spacing Guidelines"*.

Subdivision 8. Pre-Existing Non-Agricultural Activities.

A permit may be issued for expansion of uses located on parcels zoned for a use other than agriculture prior to the adoption of this Ordinance if there is no other provision under which such uses can operate. The permit shall provide for the expansion of existing uses, but shall not provide for a change to a different use.

Subdivision 9. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, mobile homes, site plan reviews and animals are presented in Section 17, General Development Regulations.

SECTION 9 - URBAN EXPANSION DISTRICT

Subdivision 1. Purpose

The purpose of the Urban Expansion District is to provide locations on the fringes of incorporated cities for unsewered residential, commercial or industrial development. This development is intended to be located so as to facilitate possible future service by public sewer and/or water systems while, in the meantime, allowing a semi-rural development pattern with room for safe on-site sewage systems and private wells.

It is the intention of Sherburne County to involve the applicable City and Township to the greatest degree possible in establishing zoning regulations and reviewing site plans and land subdivisions in this District so that orderly, compact municipal expansion is not unduly hindered. The boundaries of the Urban Expansion Districts shall be determined by joint agreement of the affected City and Townships), otherwise, the County shall set them.

The County shall administer zoning regulations in the Urban Expansion District and orderly annexation areas unless the applicable City and Township agree upon a zoning map and regulations and have a joint powers agreement to handle zoning, land use decisions and building permits for the District. Those regulations and map may replace this District and may be administered by a joint City-Township commission without involving Sherburne County.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Urban Expansion Zoning District.

Subdivision 2. Permitted Uses

1. Agricultural Uses
2. Communication Towers up to 200' in height (see Section 16.5)
3. Daycare, Family
4. Docks, Temporary

5. Grading, Filling or Excavating Temporary
6. Private and/or Commercial Kennels (see Ordinance No 134)
7. Parks, Open Space, Wildlife Refuges (Public)
8. Single-Family Homes

Subdivision 3. Conditional Uses

Land in the Urban Expansion District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Some of these Conditional Uses may become Permitted Uses if joint City-Township zoning regulations are approved in a particular Urban Expansion District. Refer to Section 16 for a description of the requirements for each of these Conditional Uses.

1. Cemeteries
2. Churches
3. Commercial Development
4. Communication Towers up to 200' in height (see Section 16.5)
5. Daycare, Commercial
6. Golf Course
7. Historical Site
8. Industrial Development
9. Multiple-Family Housing
10. Nursery, Retail
11. PUD, Residential (must be located within R-PUD Overlay District A or B)
12. PUD, Shoreland
13. Permanent Government Structure
14. School, Public or Private
15. Seasonal Storage

General Requirements for Conditional Uses in the Urban Expansion District:

1. *City Plans:* Development shall be consistent with the applicable City plans for land use, road rights-of-way, and drainage; otherwise, development shall meet the requirements set forth in the Sherburne County Subdivision Ordinance.
2. *Site Plans:* Site plans for commercial or industrial development shall meet the criteria for type of development, site planning, and dimensional requirements jointly approved by the applicable City and Township, otherwise regulations from this Zoning Ordinance shall apply.

Subdivision 4. Interim Uses

Land in the Urban Expansion District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Some of these Interim Uses may become Permitted Uses if joint City-Township zoning regulations are approved in a particular Urban Expansion District.

1. Automobile Mechanical and/or Body Repair Shop
2. Bed and Breakfast
3. Business Selling Vehicles, Boats, or Farm Implements
4. Home Business in an Accessory Building
5. Occasional Special Event
6. Planned Unit Development (Highway)
7. Seasonal or Temporary Businesses
8. Temporary Start-up Business
9. Temporary Use by Government Entities

General Requirements for Interim Uses in the Urban Expansion District:

1. *City Plans:* Development shall be consistent with the applicable City plans for land use, road rights-of-way, and drainage; otherwise, development shall meet the requirements set forth in the Sherburne County Subdivision Ordinance.
2. *Site Plans:* Site plans for commercial or industrial development shall meet the criteria for

type of development, site planning, and dimensional requirements jointly approved by the applicable City and Township, otherwise regulations from this Zoning Ordinance shall apply.

Subdivision 5. Accessory Uses

1. Docks and boat houses
2. Greenhouses related to private residential use
3. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Planning Commission
4. Private garages
5. Privately owned swimming pools and tennis courts for the use and convenience of the residents
6. Rectories, parsonages and parish houses
7. Signs, as regulated by Section 17, General Development Regulations
8. Solar (Accessory) Energy System, Ground-Mount
9. Solar (Accessory) Energy System, Rooftop
10. Tool houses, sheds and other similar buildings for the storage of domestic supplies

Subdivision 6. Dimensional Regulations (All dimensions are measured in feet)

The following dimensional regulations apply in the Urban Expansion District unless superseded by dimensions jointly approved by a City and a neighboring Township.

1. Minimum Lot Sizes:

Single-Family Housing:	Unplatted Parcels: 20 acres, unplatted
Residential Development	Platted Lots: City residential lot size, or 20,000 square feet in clustered plats
Commercial Development:	0.5 acre
Industrial Development:	2 acres

2. Minimum Lot Dimensions:

	<u>Width</u>	<u>Depth</u>
Single-Family Housing		
Unplatted:	200	300
Corner lots:	100	130
Commercial Development:	150	150
Industrial Development:	150	200

3. Minimum Setbacks, Principal or Accessory Structures:

Unplatted parcels:

Front, Unplatted (from centerline):

Township Road:	100
County Road:	100
County State-Aid Highway:	130
Highways 24 or 25:	150
Highways 10 or 169:	150 of centerline of closest traveled lane or 80 from centerline of service road

Side for unplatted parcels 10

Rear for unplatted parcels 25

County ditch (from top of ditch bank) 50

Platted Lots:

Front, Platted lots (from ROW):

Township Road:	67
County Road:	50
County State-Aid Highway:	70
Highways 24 or 25:	80
Highways 10 or 169:	100

Interior Side:

Residential:	10
Commercial, industrial:	20

Rear:

Residential:	25
Commercial, industrial:	40

Commercial or industrial driveways
or parking areas:

Front:	20
Side or Rear:	10

Side or rear, Non-Farm Housing abutting agricultural land	50
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County ditch (from top of ditch bank)	50
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When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Maximum Building Heights:

Dwellings:	2-1/2 stories or 35 feet, whichever is less
Other non-farm:	35 feet
Agricultural buildings:	No restriction

5. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.

Subdivision 7. Other Requirements

Any commercial or industrial property that abuts any parcel either zoned or used for housing shall erect and maintain a landscaped buffer consistent with the requirements stated in Section 17, General Development Regulations.

No truck dock or truck parking area shall abut any parcel either zoned or used for housing.

Subdivision 8. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, mobile homes, and site plan reviews are presented in Section 17, General Regulations.

SECTION 10 - COMMERCIAL DISTRICT

Subdivision 1. Purpose

The purpose of the Commercial District is to provide locations for retail and service businesses. This District is intended to be located along a State or Federal Highway, County Road or County State-Aid Highway.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Commercial Zoning District.

Subdivision 2. Permitted Uses

1. Agricultural Uses
2. Automobile Service Stations
3. Communication Towers up to 200' in height (see Section 5)
4. Daycare, Commercial
5. Grading, Filling or Excavating Temporary
6. Mini Storage Facility
7. Motel
8. Office Buildings
9. Private and/or Commercial Kennels (see Ordinance No 134)
10. Restaurant
11. Retail Sales
12. Seasonal Storage

13. Wind Power Management (Hobbyist)

Subdivision 3. Conditional Uses

Land in the Commercial District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 16 for a description of the requirements for each of these Conditional Uses.

1. Communication Towers up to 200' in height (see Section 16.5)
2. Light Industry
3. Pawnbrokers
4. Permanent Government Structure
5. School Bus Service
6. Single-Family Housing

Subdivision 4. Interim Uses

Land in the Commercial District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 16.2 for a description of the requirements for each of these Interim Uses.

1. Auction Business
2. Automobile Mechanical and/or Body Repair Shop
3. Businesses Selling Vehicles, Boats or Farm Implements
4. Occasional Special Event
5. Planned Unit Development (Highway)
6. Seasonal or Temporary Businesses
7. Slaughterhouse (see Section 16.1)
8. Temporary Use by Government Entities

Subdivision 5. Accessory Uses

1. Essential public or private utilities
2. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Planning Commission.
3. Solar (Accessory) Energy System, Ground-Mount
4. Solar (Accessory) Energy System, Rooftop

Subdivision 6. Dimensional Regulations (All dimensions are measured in feet)

1. Minimum Lot Size 40 acres or 22,500 square feet if platted
2. Minimum Lot Dimensions (All Land Uses):

 Width: 150 (measured at the setback line)
 Depth: 150
3. Minimum Setbacks, Principal or Accessory Structures:

Unplatted parcels:

- Front, Unplatted (from centerline):
- | | |
|---------------------------|---|
| Township Road: | 100 |
| County Road: | 100 |
| County State-Aid Highway: | 130 |
| Highways 24 or 25: | 150 |
| Highways 10 or 169: | 200 of centerline of closest traveled lane or
80 from centerline of service road |
- Side or rear for unplatted parcels: 20
- County ditch (from top of ditch bank) 50

Platted Lots:

- Front, platted lots (from right-of-way):
- | | |
|------------------------|-----|
| Township Road: | 67 |
| County Road: | 50 |
| County State-Aid Hwy.: | 70 |
| Highways 24 or 25: | 80 |
| Highways 10 or 169: | 100 |

Interior Side: 20
Rear: 20

Side or Rear, Abutting
a Site Currently Used for
Housing 50

County ditch (from top of ditch bank) 50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Minimum Setbacks, Commercial Driveways or Parking Areas:

Front: 10
Side or Rear: 10

These setbacks are measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Commercial buildings: 2-1/2 stories or 35 feet

6. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.

Subdivision 7. Screening Requirements

Any commercial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

If a commercial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

Subdivision 8. Access Requirements

1. The location of any driveway from a public road shall require approval by the County Planning Commission and the local governing body with advice from the County Engineer.
2. The minimum distance between any two driveway-road intersections shall be 75 feet. No driveway shall be located closer than 75 feet to the intersection of the pavement of two public roads

Subdivision 9. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, mobile homes, and site plan reviews are presented in Section 17, General Development Regulations.

SECTION 11 - INDUSTRIAL DISTRICT

Subdivision 1. Purpose

The purpose of the Industrial District is to provide locations for industrial development adjacent to existing industrial development and along a federal, state, county or local road or in locations consistent with a City land use plan as established in the Urban Expansion Zone.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Industrial Zoning District.

Subdivision 2. Permitted Uses

1. Agriculture
2. Athletic clubs
3. Bus Service
4. Communication Towers up to 200 feet
5. Contractor's Yard (Small and Medium)
6. Grading, Filling or Excavating Temporary
7. Manufacturing, compounding, processing, packaging, treatment or assembly of products and materials
8. Mini Storage Facilities
9. Offices
10. Private and / or Commercial Kennels

11. Private Motor Sport Vehicle Tracks under the provisions listed in Sec 16.6 of this Ordinance.
12. Research and development operations
13. Restaurants
14. Sales or service businesses dealing principally with business, not retail, customers
15. Seasonal Storage
16. Warehousing
17. Wholesale sales businesses
18. Windpower Management (Hobbyist)

Subdivision 3. Conditional Uses

Land in the Industrial District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 16 for a description of the requirements for each of these Conditional Uses.

1. Communication Towers over 200 feet in height (See Sec 16.5 Communication Towers)
2. Pawnbroker
3. Permanent government structures
4. Public Motor sport Facilities and tracks, previously covered under “Activities Requiring Rural Isolation”
5. Recycling operations for non-hazardous waste
6. Single-family housing

Subdivision 4. Interim Uses

1. Asphalt & Concrete Mixing Plants, Portable
2. Auction Business
3. Automobile Mechanical and/or Body Repair Shop

4. Contractor’s Yard (Large)
5. Mining
6. Occasional Special Event
7. Planned Unit Development (Highway)
8. Seasonal or Temporary Businesses
9. Temporary Use by Government Entities

Subdivision 5. Accessory Uses

1. Essential public or private utilities
2. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Planning Commission.
3. Railroad spurs
4. Solar (Accessory) Energy System, Ground-Mount
5. Solar (Accessory) Energy System, Rooftop

Subdivision 6. Dimensional Regulations (All dimensions are measure in feet)

1. Minimum Lot Size 40 acres or 30,000 square feet if platted
2. Minimum Lot Dimensions (All Land Uses):
Width: 150 (measured at the setback line)
Depth: 200
3. Minimum Setbacks, Principal or Accessory Structures:
Unplatted Parcels:
Front, Unplatted (from centerline):

SECTION 11 – INDUSTRIAL DISTRICT

Township Road:	100
County Road:	100
County State-Aid Highway:	130
Highways 24 or 25:	150
Highways 10 or 169:	200 of centerline of closest traveled lane or 80 from centerline of service road
Side or rear for unplatted parcels:	50
County Ditch (from top of ditch bank)	50
Platted Lots:	
Front, Platted lots (from right-of-way):	
Township Road:	67
County Road:	50
County State-Aid Hwy.:	70
Highways 24 or 25:	80
Highways 10 or 169:	100
Interior Side:	20
Rear:	20
Side or Rear, abutting a site currently used for hsing	50
County Ditch (from top of ditch bank)	50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Minimum Setbacks, Industrial Driveways or Parking Areas:

Front:	20
Side or Rear:	10

5. Maximum Building Heights: 35 feet except for exceptions listed in Section 16 of this Ordinance.

6. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.

Subdivision 7. Screening Requirements

1. Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

2. Any outdoor storage or display of goods, materials, or damaged vehicles awaiting body repair shall be screened from view from any non-industrial zones (except farm fields) to the satisfaction of the County Planning Commission using a combination of fencing, coniferous and deciduous plantings and/or berming.

Subdivision 8. Access Requirements

1. The location of any driveway from a public road shall require approval by the County Planning Commission and the local governing body with advice from the County Engineer.
2. The minimum distance between any two driveway-road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of the two public roads.

Subdivision 9. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, mobile homes, and site plan reviews are presented in Section 17, General Development Regulations.

SECTION 12 - HEAVY INDUSTRIAL DISTRICT

Subdivision 1. Purpose

The purpose of the Heavy Industrial District is to provide locations for industrial activities that have greater than average off-site effects. This District should be located adjacent to existing industrial development and along a federal, state, county or local road or in locations consistent with a City land use plan as established in the Urban Expansion Zone.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Heavy Industrial Zoning District.

Subdivision 2. Permitted Uses

1. Communication Towers up to 250 feet in height
2. Grading, Filling or Excavating Temporary
3. Grain elevators
4. Permitted Uses of the Industrial District
5. Private Motor Sport Vehicle Tracks under the provisions listed in Sec 16.6 of this Ordinance
6. Railroad yards and terminals
7. Sexually-oriented businesses (subject to licensing requirements)
8. Truck terminals

Subdivision 3. Conditional Uses

Land in the Heavy Industrial District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 16 for a description of the requirements for each of these Conditional Uses.

1. Communication towers over 250 feet in height
2. Concrete or asphalt plants
3. Conditional Uses of the Industrial District except single-family housing
4. Permanent government structures
5. Power generation plants
6. Public Motor sport Facilities and Tracks, previously covered under “Activities Requiring Rural Isolation”
7. Recycling operations for hazardous waste
8. Waste Facility

Subdivision 4. Interim Uses

Land in the Heavy Industrial District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 16.2 for a description of the requirements for each of these Interim Uses.

1. Asphalt & Concrete Mixing Plants, Portable
2. Contractor’s Yard (Large)
3. Mining
4. Solar Farm
5. Tire collection and/or recycling operations
6. Used vehicle parts or scrap material yards

Subdivision 5. Accessory Uses

1. Essential public or private utilities
2. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Planning Commission.
3. Railroad spurs
4. Solar (Accessory) Energy System, Ground-Mount
5. Solar (Accessory) Energy System, Rooftop

Subdivision 6. Dimensional Regulations (All dimensions are measured in feet)

1. Minimum Lot Size 10 acres or 60,000 square feet if platted

2. Minimum Lot Dimensions (All Land Uses):

Width: 200
Depth: 300

3. Minimum Setbacks, Principal or Accessory Structures:

Unplatted parcels:

Front, Unplatted (from centerline):

Township Road:	100
County Road:	100
County State-Aid Highway:	130
Highways 24 or 25:	150
Highways 10 or 169:	200 of centerline of closest traveled lane or 80 from centerline of service road

Side or rear for unplatted parcels: 50

County Ditch (from top of ditch bank) 50

Platted Lots:

Front, Platted (from right-of-way):

Township Road:	67
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County Road:	50
County State-Aid Hwy.:	70
Highways 24 or 25:	80
Highways 10 or 169:	100
Interior Side:	30
Rear:	30
Side or rear, abutting a site currently used for housing	100
County Ditch (from top of ditch bank)	50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Minimum Setbacks, Industrial Driveways or Parking Areas:

Front:	30
Side or Rear:	20

5. Maximum Building Heights: 35 feet except for exceptions listed in Section 16 of this Ordinance.

6. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.

Subdivision 7. Screening Requirements

1. Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

2. Any outdoor storage or display of goods, materials, or damaged vehicles awaiting body repair shall be screened from view from any non-industrial zones (except farm fields) to the satisfaction of the County Planning Commission using a combination of fencing, coniferous and deciduous plantings and/or berming.

Subdivision 8. Access Requirements

1. The location of any driveway from a public road shall require approval by the County Planning Commission and the local governing body with advice from the County Engineer.
2. The minimum distance between any two driveway-road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of the two public roads.

Subdivision 9. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, mobile homes, and site plan reviews are presented in Section 17, General Development Regulations.

SECTION 12.1 – RESIDENTIAL PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Subdivision 1. Purpose

The Residential Planned Unit Development (R-PUD) Overlay District is a predetermined area of land, designated on the official zoning map, where an R-PUD is allowed for the purpose of allowing an alternative method of developing residential housing communities within a township's boundaries. It is intended to encourage innovative designs and desirable characteristics, while allowing for increased density.

Subdivision 2. Permitted Areas

The boundaries of an R-PUD Overlay District is a predetermined and approved by each individual Town Board. The Town Board must petition the County to zone an area as "R-PUD Overlay District". The County must publish notification of the change to the Zoning Map and hold a public hearing. Approval for designation is granted by the Sherburne County Board of Commissioners.

Areas of no less than thirty (30) acres may be designated as "R-PUD Overlay District".

Subdivision 3. General Regulations

Development within an R-PUD Overlay District shall meet all requirements of the Sherburne County Subdivision Ordinance, Section 10.1.

All Zoning regulations of the underlying zoning district shall apply unless otherwise specified as part of the approval of the R-PUD Conditional Use Permit.

SECTION 13 – FLOODPLAIN DISTRICT

SUBDIVISION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- 1.1 Statutory Authorization
- 1.2 Findings of Fact
- 1.3 Statement of Purpose

SUBDIVISION 2.0 GENERAL PROVISIONS

- 2.1 Lands to Which Ordinance Applies
- 2.2 Establishment of Official Zoning Map
- 2.3 Regulatory Flood Protection Elevation
- 2.4 Interpretation
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- 4.1 Permitted Uses
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- 5.3 Conditional Uses
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SUBDIVISION 6.0 GENERAL FLOOD PLAIN DISTRICT

- 6.1 Permissible Uses
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SUBDIVISION 7.0 SUBDIVISIONS

- 7.1 Land Suitability Review Criteria
- 7.2 Requirements for Floodway/Flood Fringe Determinations
- 7.3 Removal of Special Flood Hazard Area Designation

SUBDIVISION 8.0 UTILITIES, RAILROADS, ROADS, AND BRIDGES

- 8.1 Public Utilities
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- 8.3 On-site Sewage Treatment and Water Supply Systems

SUBDIVISION 9.0 MANUFACTURED HOMES/TRAVEL TRAILERS AND TRAVEL VEHICLES

- 9.1 New Manufactured Home Parks
- 9.2 Replacement Manufactured Homes- Existing Parks
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SUBDIVISION 10.0 ADMINISTRATION

- 10.1 Zoning Administrator
- 10.2 Permits, Certification Requirements and Record Keeping
- 10.3 Appeals and Variances/Duties of the Board of Adjustment
- 10.4 Conditional Uses-Standards and Evaluation Procedures

SUBDIVISION 11.0 NONCONFORMING USES

SUBDIVISION 12.0 PENALTIES FOR VIOLATION

SUBDIVISION 13.0 AMENDMENTS

SUBDIVISION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners of Sherburne County, Minnesota does ordain as follows:

1.2 Findings of Fact:

- A. The flood hazard areas of the Sherburne County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- C. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain Sherburne County’s eligibility in the National Flood Insurance Program.

1.3 Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subdivision 1.2A by provisions contained herein.

SUBDIVISION 2.0 GENERAL PROVISIONS

2.1 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the floodplain jurisdiction of the Sherburne County Planning and Zoning Department, shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include: 1) the Flood Insurance Study, Sherburne County, Minnesota And Incorporated Areas; 2) the Flood Insurance Rate Map Index, Sherburne County, Minnesota, with a Map Number of 27141CINDOA; and all Flood Insurance Rate Map panels therein indicated on the Flood Insurance Rate Map Index that apply to the unincorporated areas of Sherburne County. All of the aforementioned documents are dated November 16, 2011 and have been prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the

Office of the County Auditor and the County Zoning Department.

2.3 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.4 Interpretation:

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- B. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time Sherburne County adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain on November 29, 1974, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Sherburne County, Minnesota or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions: The words and phrases used in this Section shall have the same meaning as defined in Section 5 of this Ordinance, except as provided below. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- A. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- C. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- D. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- E. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- F. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Sherburne County, Minnesota And Incorporated Areas.
- G. Flood Plain - the beds ~~proper~~ and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood (base flood or 100 year flood).
- H. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- I. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- J. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

- K. **Manufactured Home** - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- L. **Obstruction** - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- M. **Principal Use or Structure** - means all uses or structures that are not accessory uses or structures.
- N. **Reach** - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- O. **Recreational Vehicle** - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- P. **Regional Flood** - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood," 1-percent annual chance flood or 100-Year flood elevation.
- Q. **Regulatory Flood Protection Elevation** - The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- R. **Structure** - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Subdivision 9.31 of this Subdivision and other similar items.
- S. **Substantial Damage** - means damage of any origin sustained by a structure where the

cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

- T. **Substantial Improvement** - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.9 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Subdivision 2.2 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this Ordinance and any area that may detach from a municipality and come under the zoning jurisdiction of Sherburne County after the date of adoption of this Ordinance.

SUBDIVISION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

- A. **Floodway Overlay District.** The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Subdivision 2.2. For lakes, wetlands or other basins, the Floodway District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in Subdivision 2.2 that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, Subdivision 14.
- B. **Flood Fringe Overlay District.** The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in Subdivision 2.2, as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe

District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in Subdivision 2.2 that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

- C. **General Flood Plain Overlay District.** The General Flood Plain District shall include those areas designated as Zone A and Zone AE (without a floodway designated) on the Flood Insurance Rate Map adopted in Subdivision 2.2, which are not subject to criteria in 3.1A and 3.1B above.

3.2 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations which apply to uses within the jurisdiction of this Ordinance, including the uses and standards of the underlying zoning district. Within the Floodway, Flood Fringe and General Flood Plain Overlay Districts, all uses not listed as permitted uses or conditional uses in Subdivisions 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Subdivision 9.0.
- B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Subdivision 11.0.
- C. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Subdivision 10.0 of this Ordinance.

SUBDIVISION 4.0 FLOODWAY OVERLAY DISTRICT (FW)

4.1 Permitted Uses:

- A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
- B. Industrial-commercial loading areas, parking areas, and airport landing strips.
- C. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic

grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

- D. Residential lawns, gardens, parking areas, and play areas.

4.2 Standards for Floodway Permitted Uses:

- A. The use must have a low flood damage potential.
- B. The use must be permissible in the underlying zoning district if one exists.
- C. The use must not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

- A. Structures accessory to the uses listed in 4.1 above and the uses listed in 4.3B - 4.3H below.
- B. Extraction and storage of sand, gravel, and other materials.
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- D. Railroads, streets, bridges, utility transmission lines, and pipelines.
- E. Storage yards for equipment, machinery, or materials.
- F. Placement of fill or construction of fences.
- G. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subdivision 9.3 of this Section.
- H. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4.4 Standards for Floodway Conditional Uses: The following standards shall apply conditional uses within the FW District in addition to the standards applicable to all conditional uses pursuant to this Ordinance.

- A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- B. All floodway conditional uses shall be subject to the procedures and standards contained in Subdivision 10.4 of this Section.
- C. The conditional use shall be permissible in the underlying zoning district.
- D. Fill:
 - (a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - (c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.
- E. Accessory Structures:
 - (a) Accessory structures shall not be designed for human habitation.
 - (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest

projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

- (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
- (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
- (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

F. Storage of Materials and Equipment:

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

G. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

H. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SUBDIVISION 5.0 FLOOD FRINGE OVERLAY DISTRICT (FF)

5.1 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public

nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Subdivision 5.2 and the "Standards for all Flood Fringe Uses" listed in Subdivision 5.5.

5.2 Standards for Flood Fringe Permitted Uses:

- A. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- B. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Subdivision 4.4E (c).
- C. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Subdivision 5.2A of this ordinance.
- D. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- E. The provisions of Subdivision 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Subdivision 5.2A - 5.2B and or any use of land that does not comply with the standards in Subdivision 5.2C - 5.2D shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Subdivisions 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses: The following standards shall apply conditional uses within the FF District in addition to the standards applicable to all conditional uses pursuant to this Ordinance.

- A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-

noted alternative elevation methods are subject to the following additional standards:

- (a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - (b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- B. Basements, as defined by Subdivision 2.8B of this Ordinance, shall be subject to the following:
- (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Subdivision 5.4C of this Ordinance.
- C. All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls

substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

- D. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless Sherburne County is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- E. Storage of Materials and Equipment:
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- F. The provisions of Subdivision 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

- A. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation or 1 foot below the 100 year flood elevation with floodway stage increase included. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- B. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

- C. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Subdivision 5.5B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- D. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- E. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- F. Standards for recreational vehicles are contained in Subdivision 9.3.
- G. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SUBDIVISION 6.0 GENERAL FLOOD PLAIN OVERLAY DISTRICT

6.1 Permissible Uses:

- A. The uses listed in Subdivision 4.1 of this Ordinance shall be permitted uses.
- B. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Subdivision 6.2 and 6.3 below. Subdivision 4.0 shall apply if the proposed use is in the Floodway District and Subdivision 5.0 shall apply if the proposed use is in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations for Streams Located Within the General Flood Plain District:

- A. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
- (a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - (b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - (c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - (d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- B. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
- (a) Estimate the peak discharge of the regional flood.
 - (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- C. The Zoning Administrator shall present the technical evaluation and findings of the

designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subdivision 4.0 and 5.0 of this Ordinance.

6.3 Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) for lakes located in Zone A:

- A. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
- B. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
- C. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Subdivision 4.0 and 5.0 of this Ordinance.

SUBDIVISION 7.0 SUBDIVISIONS

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the

subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation or one (1) foot below the 100 year flood elevation with floodway stage increase included. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

7.2 Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Subdivision 6.2 and 6.3 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.3 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SUBDIVISION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation or one (1) foot above the 100 year flood elevation with floodway stage increase included.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation or one (1) foot above the 100 year flood elevation with floodway stage increase included shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be

determined to be in compliance with this Subdivision.

SUBDIVISION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subdivision 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subdivision 5.5A, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

- A. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

9.3 Recreational vehicles that do not meet the exemption criteria specified in Subdivision 9.3A below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subdivisions 9.3C-9.3D below.

- A. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subdivision 9.3B below and further they meet the following criteria:
 - (a) Have current licenses required for highway use.
 - (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - (c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- B. Areas Exempted For Placement of Recreational Vehicles:
 - (a) Individual lots or parcels of record.
 - (b) Existing commercial recreational vehicle parks or campgrounds.
 - (c) Existing condominium type associations.

- C. Recreational vehicles exempted in Subdivision 9.3A lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Subdivisions 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- D. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- (a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Subdivision 5.5A of this Ordinance. No fill placed in the floodway to meet the requirements of this Subdivision shall increase flood stages of the 100-year or regional flood.
 - (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Subdivision 9.3A (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 8.3 of this Ordinance.

SUBDIVISION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subdivision 12.0 of the Ordinance.

10.2 Permit Requirements:

- A. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- B. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
- C. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- D. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- E. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subdivision 12.0 of this Ordinance.
- F. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- G. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of

the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

- H. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the county authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- I. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment:

- A. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- B. Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Section, as provided for in Section 18.
- C. Variances. The following standards and procedures shall apply to all applications submitted to the Board of Adjustment for properties located within the Floodway, Flood Fringe and General Flood Plain Overlay Districts, in addition to the standards and procedures set forth in Section 18 of this Ordinance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (a) Variances shall not be issued by a county within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Variances shall only be issued by a county upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result

- in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Notice. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- E. Decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Subdivision 10.4F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and enforceable pursuant to Subdivision 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- F. Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in the Ordinance and applicable law.
- G. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. Sherburne County shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. The following standards shall apply conditional uses within the Floodway, Flood Fringe and General Flood Plain Overlay Districts in addition to the standards applicable to all conditional uses pursuant to this Ordinance.

- A. Notice. Upon filing with the Zoning Administrator a completed application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

- B. Decisions. In granting a conditional use permit the County Board of Commissioners shall prescribe appropriate conditions and safeguards, in addition to those specified in Subdivision 10.4F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Subdivision 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- C. Procedures to be followed by the Zoning Administrator and Planning Commission in Considering Conditional Use Permit Applications Within all Flood Plain Districts:
- (a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Zoning Administrator and Planning Commission for determining the suitability of the particular site for the proposed use:
- (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
 - (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the County Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- D. Factors Upon Which the Decision of the County Board of Commissioners Shall Be Based. In passing upon conditional use applications, the County Board of Commissioners shall consider all relevant factors specified in other sections of this Ordinance, and:
- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - (c) The proposed water supply and sanitation systems and the ability of these

systems to prevent disease, contamination, and unsanitary conditions.

- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the county.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Ordinance.

E. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the County Board of Commissioners shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

SUBDIVISION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises that was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this

Ordinance may be continued subject to the following conditions. Historic structures, as defined in Subdivision 2.8U(b) of this Ordinance, shall be subject to the provisions of Subdivisions 11.1A – 11.1E of this Ordinance.

- A. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
- B. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.1C and 11.1F below.
- C. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Subdivision are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Subdivision 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
- D. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- E. If any nonconforming use or structure is substantially damaged, as defined in Subdivision 2.8T of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Subdivisions 4.0, 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- F. If a substantial improvement occurs, as defined in Subdivision 2.8U of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Subdivision 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SUBDIVISION 12.0 PENALTIES FOR VIOLATION

12.1 This Subdivision shall be enforced pursuant to Section 18 of the Ordinance. Such enforcement actions may include but are not limited to:

- A. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The County must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- B. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the County's plan of action to correct the violation to the degree possible.
- C. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
- D. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SUBDIVISION 13.0 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or

above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

SECTION 14 - SHORELAND OVERLAY DISTRICT

- Subdivision 1: Statutory Authorization and Policy
- Subdivision 2: General Provision and Definitions
- Subdivision 3: Administration
- Subdivision 4: Shoreland Classification System and Land Use Districts
- Subdivision 5: Dimensions, Design and Utilities
- Subdivision 6: Nonconformities
- Subdivision 7: Subdivision/Platting Provisions
- Subdivision 8: Planned Unit Development (PUD's)

Subdivision 1. Statutory Authorization and Policy

1. **Statutory Authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.
2. **Policy.** The uncontrolled use of shorelands of Sherburne County, Minnesota, affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Sherburne County.

Subdivision 2. General Provision and Definitions

1. **Jurisdiction.** The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Subdivision 4 of this ordinance. This ordinance shall also apply to all lakes and ponds ten (10) acres in size or greater. A body of water created by a private

user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

2. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.
3. **Enforcement.** The Sherburne County Zoning Administrator, or his/her successor is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law further, the Administration may seek enforcement by civil action, and such remedy is not cumulative in nature. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Subdivision 4, Subsection 1, of this ordinance.
4. **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. Any determination of an administrative decision may be appealed to the Sherburne County Board of Adjustment. Such appeal shall be made within thirty (30) days of decision. For adjoining landowners this requirement may be extended to ten (10) days after construction commences.
 - A. If a use is not specifically listed in this ordinance, such use shall not be allowed.
 - B. A zone or classification may only be amended by a 4/5ths vote of the Sherburne County Board of Commissioners.
5. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
6. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Subdivision 3. Administration

1. Permits Required

- A. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetated alteration (as established under Subd. 5.3 A of this Ordinance), and those grading and filling activities not exempted by Subdivision 5, Subsection 3 of this ordinance. Application for a permit shall be made to the Sherburne County Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
 - B. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Subdivision 5, shall be reconstructed or replaced as a condition precedent to issuance of a permit, in accordance with the provisions of this ordinance.
2. **Certificate of Zoning Compliance.** The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 3, Subsection 1, of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be enforced as provided in Subdivision 2, Subsection 3, of this ordinance.
3. **Variances**
- A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
 - B. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subdivision 3, Subsection 4-B, below shall also include the board of adjustment's summary of the public record/ testimony and the findings of facts and conclusions which supported the issuance of the variance.
 - C. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the

property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system as a condition precedent to issuance of a permit.

4. Notifications to the Department of Natural Resources

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

Subdivision 4. Shoreland Classification System and Land Use Districts

1. **Shoreland Classification System.** The public waters of Sherburne County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Sherburne County, Minnesota.

A. The shoreland area for the waterbodies listed in Subsections B and C, below, is defined as follows: "Shoreland means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond of flowage; and 300 feet from 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.

B. Lakes

Natural Environment Lakes	Inventory I.D.#
Rice	480010
Twin	710001
Kliever Marsh	710003
Rice	710015
Unnamed	710017
West Hunter	710022
East Hunter	710023
Unnamed	710027
Stone	710029
Unnamed	710031
Long Pond	710036

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Cantlin	710041
Unnamed	710042
Unnamed	710043
Diann	710046
Mud	710056
Josephine	710068
Unnamed	710072
Rice	710078
Unnamed	710080
Johnson Slough	710084
Big Mud	710085
Unnamed	710086
Unnamed	710087
Unnamed	710089
Bucks	710093
Hidden	710094
Unnamed (Strand)	710095
Thompson	710096
Wood	710098
Danzel Slough	710105
Unnamed	710106
Lundberg Slough	710109
Fredrickson Slough	710110
Unnamed	710115
Clitty	710116
Boyd	710118
Unnamed (Eilers)	710119
Unnamed	710122
Camp	710123
Unnamed	710124
Prairie	710125
Mosford	710126
Unnamed	710018
Unnamed	710025
Unnamed	710026
Unnamed	710034
Little Diamond	710044
Helene	710045
Unnamed	710047
Lake of the Woods	710053
Unnamed	710054
Preusse	710063
Unnamed	710065
Unnamed	710070
Unnamed	710074
Beulah Pond	710101

Unnamed	710104
Duffy	710107
Unnamed	710113
Unnamed	710120
Unnamed	710143
Unnamed	710161
Unnamed	710127
Unnamed	710128
Jones	710129
Crescent	710132
Unnamed	710134
Unnamed	710135
Unnamed	710137
Unnamed	710138
Rice	710142
Unnamed	710144
Unnamed	710148
Stickney	710149
Unnamed	710150
Unnamed	710152
Clear	710153
Unnamed	710154
Unnamed	710155
Cater	710157
Unnamed	710165
Round	710167
Unnamed	710168

Recreational Development Lakes Inventory I.D.#

Sandy	710040
Birch	710057
Ann	710069
Julia	710145
Briggs	710146
Rush	710147
Pickerel	710158
Long	710159
Blacks	710097

General Development Lakes Inventory I.D.#

Fremont	710016
Elk (East)	710055
Eagle	710067
Mitchell	710081

Big	710082
Keller	710083
Elk (West)	710141

C. Rivers and Streams in the unincorporated portions of Sherburne County

(1) Remote Rivers

None in Sherburne County

(2) Forested Rivers

Briggs Creek - full length
Snake River - full length
DNR Designated Trout Streams

(3) Transition Rivers

St. Francis River - full length
All Tributaries - listed below

(4) Agricultural Rivers

Elk River - full length

* Please note that the Elk River is a designated tributary to the Mississippi River and portions of it will be affected by Minnesota Rules Parts 6105.0110, Subp. 3, Item B, Subitem (3) and 6105.0120 relating to statewide standards and criteria for Wild, Scenic and Recreational Rivers.

(5) Urban Rivers

None in the unincorporated area of Sherburne County

(6) Tributary Streams

All other non-classified watercourses as shown on the Sherburne County protected waters inventory map and list, shown on following page.

NOTE: The Rum and Mississippi Rivers are also regulated by the Mississippi and Rum Scenic and Recreational River Ordinance.

Non-Classified Watercourses on the Sherburne County Protected Waters List:

Name	Section	From Township	Range	Section	To Township	Range
Battle Brook	3	35	27	3	35	27
	1	35	27	1	34	27
Unnamed to RR	3	35	26	3	35	26
Unnamed to Blue Lake	35	35	26	36	35	26
Unnamed to ER	31 (Basin 67)	34	27	1	33	28
Unnamed to ER	17	34	28	19	34	28
Lilly Creek	34 (Basin 147)	35	29	34 (Basin 141)	35	29
Unnamed to Rush Lake	27 (Basin 146)	35	29	27 (Basin 147)	35	29
Rice Creek (RC)	9 (Basin 142)	35	29	32	35	29
Stony Brook	3	35	29	3	35	29
	2	35	29	3 (Basin 142)	35	29
Unnamed to Rice Lake	3	35	29	3 (Basin 142)	35	29
Unnamed to RC	13	35	30	29	35	29
Unnamed to ER	8 (Hwys. 10 and 52)	35	30	15	35	30
Unnamed to ER	4 (Basin 119)	34	29	3	34	29

2. **Land Use Districts**

- A. Shoreland Overlay District. The Land Use District designations listed in the general Sherburne County Zoning Ordinance and as shown on the Zoning Map shall apply within all shoreland areas of Sherburne County. All Permitted and Conditional Uses listed in the Zoning Ordinance shall apply in the Shoreland Overlay District. Uses not listed are not permitted. When provisions of this ordinance conflict with provisions of the base Zoning District, the more restrictive requirement must apply; however, the Planned Unit Development (PUD) provisions set forth in Subdivision 8 of the Shoreland District shall apply in the General Rural and Urban Expansion District. Shoreland PUD's must be sewerred.

Advisory Committee Comment: By allowing sewerred PUD's, Sherburne County can help preserve 50% open space and protect natural features in the Shoreland district, as well as better protect ground, and lake water quality by requiring managed sewer systems.

- B. Criteria for Rezoning. Requests for amendments to the zoning designation of the base Zoning Ordinance (rezonings) that affect shoreland areas shall be subject to the following additional criteria, considerations and objectives:

- (1) General Considerations and Criteria for all Land Uses:
- a. preservation of natural areas;
 - b. present ownership and development of shoreland areas;
 - c. shoreland soil types and their engineering capabilities;
 - d. topographic characteristics;
 - e. vegetative cover;
 - f. in-water physical characteristics, values and constraints;
 - g. recreational use of the surface water;
 - h. road and service center accessibility;
 - i. socioeconomic development needs and plans as they involve water and land resources;
 - j. the land requirements of industry, which, by its nature, requires location in shoreland areas; and
 - k. the necessity to preserve and restore certain areas having significant historic or ecological value.
- (2) Factors and Criteria for Planned Unit Developments:
- a. existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
 - b. physical and aesthetic impacts of increased density;
 - c. suitability of lands for the PUD approach;
 - d. level of current development in the area; and
 - e. amounts and types of ownership of undeveloped lands.

Subdivision 5. Dimensions, Design and Utilities

1. **Lot Area and Width Standards.** Lot area requirements shall be controlled by the lot area requirements of the underlying zoning district unless located in the Urban Expansion and General Rural Zoning District and follow the requirements for a PUD.
2. The lot area (in square feet) and lot width standards (in feet) for single residential lots created prior to the date of enactment of this ordinance for the lake and river/stream classifications are shown in the chart below. These dimensions only apply to non-conforming lots that meet the requirements of Subdivision 6, Subsection A-C.

A. Lakes

Natural Environment:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single-family house	80,000	200	80,000	200

Recreational Development:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single-family house	40,000	150	40,000	150
Non-residential development	80,000	200	2.5 ac.	250

General Development:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single-family house	40,000	150	40,000	150
Non-residential development	80,000	150	2.5 ac.	200

- B. **River/Stream Lot Width Standards.** Lot area requirements shall be controlled by the lot area requirements of the underlying zoning district. The lot width standards (in feet) for single-family housing developments for the five river/stream classifications are:

Urban &

	<u>Forested</u>	<u>Transition</u>	<u>Agricultural</u>	<u>Tributary</u>
Single-family house	200	250	150	250

D. Additional Special Provisions.

- (1) Residential subdivisions with dwelling unit densities exceeding those in the tables in Subdivision 5, Subsections 1-A and 1-C, shall only be allowed if designed and approved as residential planned unit developments under Subdivision 8 of this ordinance. Only land above the ordinary high water level of public waters shall be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Subdivision 5, Subsection 1-A, shall only be used if publicly owned sewer system service is available to the property.

- (2) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
 - a. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

 - b. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

<u>Ratio of lake size to shore length (acres/mile)</u>	<u>Required increase in frontage (percent)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- c. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

- d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the

access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. A bond, letter of credit, or escrow fund shall be required in a minimum sum of \$5,000 identifying the appropriate governmental agency as the holder/drawee. Such a bond shall be for the purpose of performance of maintenance and payment of property taxes; if necessary.

2. Placement, Design, and Height of Structures

A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered by administrative exemption using setback averaging to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

- (1) Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

<u>Classes of Public Waters</u>	<u>Setbacks *</u>
<u>Lakes</u>	
Natural Environment	150
Recreational Development	100
General Development	75
<u>Rivers</u>	
Forested and Transition	150
Agriculture, Urban and Tributary	100

Designated Trout Streams 200

- * One water-oriented accessory structure designed in accordance with Subdivision 5, Subsection 2-B-2, of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

(2) Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
a. top of bluff;	30
b. unplatted cemetery;	50
c. all other setbacks shall be controlled by the underlying land use ordinance	

(3) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

B. Design Criteria For Structures.

(1) High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- a. For lakes, by placing the lowest floor at a level at three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
- b. For rivers and streams, by placing the lowest floor at least one foot above the flood of record, if data are available. If data are not available, by placing the lowest floor at least one foot above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
- c. Water - oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the

structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

- (2) Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subdivision 5, Subsection 2-A, of this ordinance if this water-oriented accessory structure complies with the following provisions:
 - a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 400 square feet. Detached decks must not exceed eight feet above grade at any point;
 - b. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

- (3) Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings;

- d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- (4) Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the historic value of the site.
- (5) Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- C. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
3. **Shoreland Alterations.** Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- A. Vegetation Alterations
- (1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subdivision 5, Subsection 4, of this ordinance are exempt from the vegetation alteration standards that follow.
 - (2) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subdivision 5, Subsections 6-B and 6-C, respectfully, is allowed subject to the following standards:

- a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - 2) Along rivers, existing shading of water surfaces is preserved; and
 - 3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- B. Topographic Alterations/Grading and Filling.
- (1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Subdivision must be incorporated into the issuance any permit, variance, or Conditional use permit for construction of structures, accessory structures, subdivisions, sewage treatment systems and driveways.
 - (2) Public roads and parking areas are regulated by Subdivision 5, Subsection 4, of this ordinance.
 - (3) Notwithstanding Items A. and B. above, a grading and filling permit will be required for:
 - a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

- b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- (4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
- a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 - 1) Sediment and pollutant trapping and retention;
 - 2) Storage of surface runoff to prevent or reduce flood damage;
 - 3) Fish and wildlife habitat;
 - 4) Recreational use;
 - 5) Shoreline or bank stabilization; and
 - 6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- * This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local

soil and water conservation districts and the United States Soil Conservation Service;

- f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- h. Fill or excavated material must not be placed in bluff impact zones;
- i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 105.42;
- j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(5) A grading and filling permit requires reconstruction of a nonconforming sewage treatment system.

(6) Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

4. **Placement and Design of Roads, Driveways, and Parking Areas**

- A. **Visual Screening.** Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

- B. Setbacks. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas by variance, and must be designed to minimize adverse impacts.
 - C. Watercraft Access. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subdivision 5, Subsection 3, of this ordinance must be met.
5. **Stormwater Management.** The following general and specific standards shall apply:
- A. General Standards:
 - (1) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - (2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - (3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
 - B. Specific Standards:
 - (1) Impervious surface coverage of lots must not exceed 25 percent of the lot (for example: driveways, structures, sidewalks, and patios) area.
 - (2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

- (3) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

6. Special Provisions for Commercial, Industrial, Public/Agricultural, Forestry and Extraction Uses and Minerals and Peat

A. Standards for Commercial, Industrial, Public, and Semipublic Uses.

- (1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

- a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
- b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - 1) No off-site advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - 2) On-site signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

- 3) 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.

B. Agriculture Use Standards

- (1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- (2) Animal feedlots must meet the following standards:
 - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
 - b. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

C. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota" or its successor publications.

D. Extractive Use Standards

- (1) Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how

the site will be rehabilitated after extractive activities end. A Conditional Use Permit and restoration bond are required for any extractive uses. Additional extractive use standards in the land use ordinance shall be adhered to.

- (2) Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

E. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

7. **Conditional Uses.** Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions shall apply within shoreland areas:

A. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- (1) the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- (2) the visibility of structures and other facilities as viewed from public waters is limited;
- (3) the site is adequate for water supply and on-site sewage treatment; and
- (4) the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

B. Conditions attached to conditional use permits. The County Board of Commissioners, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (1) Increased setbacks from the ordinary high water level;
- (2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

- (3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- (4) Special provisions for siting Communication Towers includes:
 1. Communication Towers must be located on existing high power overhead transmission tower, or attached to a pole integrated into a tower, or;
 2. Mounted on an existing structure and does not extend a maximum of 15 feet beyond the highest point of the structure.

8. Water Supply and Sewage Treatment

- A. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- B. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - (1) Publicly-owned sewer systems must be used where available.
 - (2) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance further, holding tanks shall be considered an acceptable sewage disposal system only for short-term emergency purposes.
 - (3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subdivision 5, Subsection 2, of this ordinance.
 - (4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1)-(4). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation Criteria:

- a. Depth to the highest known or calculated ground water table or bedrock;
 - b. Soil conditions, properties, and permeability;
 - c. Slope;
 - d. The existence of lowlands, local surface depressions, and rock outcrops;
- (5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subdivision 6, Subsection 3, of this ordinance.

Subdivision 6: Nonconformities

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

1. Construction on Nonconforming Lots of Record

- A. Riparian lake lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subdivision 5, Subsection 1, of this ordinance may be allowed as building sites provided that each lot dimension in question measures at least 50 percent of the applicable requirement for lot width of Subdivision 5, Subsection 1, the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, it was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subdivision 5, Subsection 1, of this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subdivision 5, Subsection 1, of this ordinance as much as possible.

2. Additions/Expansions to Nonconforming Structures

- A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subdivision 5 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Subdivision 3, Subsection 3.
- B. Deck additions may be allowed without variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - (1) The structure existed on the date the structure setbacks were established;
 - (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - (3) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - (4) The deck is constructed primarily of wood, and is not roofed or screened.

3. Nonconforming Sewage Treatment Systems

- A. A sewage treatment system not meeting the requirements of Subdivision 5, Subsection 8, of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. Sherburne County will require upgrading or replacement of any nonconforming system identified by the following programs:
 - (1) Certification by the Zoning Administration of septic systems as conforming or requiring up-grading prior to property transfer or registration of a contract for deed;
 - (2) enforcement of the permit provisions of this ordinance and the land use ordinance;
 - (3) continued support of the County Lakewater Testing Program;
 - (4) continued encouragement and support for Town Board and Lake Association public education efforts; and
 - (5) encouraging expanded financial support from the Minnesota Legislature and State Agencies for programs of enforcement, public education, and sewage system replacement cost-sharing.

Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspool, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems shall be considered nonconforming.

Subdivision 7: Subdivision/Platting Provisions

1. **Land Suitability.** Each lot created through subdivision, including planned unit developments authorized under Subdivision 8 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to impair the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. **Consistency with Other Controls.** Subdivisions must conform to all official controls of Sherburne County. Each lot shall meet the minimum lot size and dimensional requirements of Subdivision 5, Subsection 1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard sewage treatment systems. Lots that would require use of holding tanks must not be approved.
3. **Information Requirements.** Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
 - A. Topographic contours at two-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - B. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

- D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 - E. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
 - G. Any County ditches, historical sites, or any required environmental assessments.
4. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater, wetlands or for conservation purposes.
5. **Platting.** All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
6. **Controlled Access or Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Subdivision 5, Subsection 1-D, of this ordinance.

Subdivision 8. Planned Unit Developments (PUD's)

- 1. **Types of PUD's Permission.** Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land and only allowed in the General Rural and Urban Expansion District. PUD's must be a sewered area
- 2. **Processing of PUD's.** Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or fewer new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subdivision 8, Subsection 5. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- 3. **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

- A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
- B. A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Subdivision 8, Subsection 6, of this ordinance.
- C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subdivision 8, Subsection 6, of this ordinance.
- D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- E. Those additional documents as requested by the Sherburne County Planning Commission that are necessary to explain how the PUD will be designed and will function.
- F. All PUD developments shall be designed with adequate sewage treatment facilities that meet Minnesota Pollution Control Agency Chapter 7080 standards and must be sewerred, as well as the following:
 - 1. The portion of the sewer system used for final treatment and disposal shall be located in common open space within an easement or designated outlot.
 - 2. Unsewered PUD's are not allowed.
 - 3. PUD's with shared sewage treatment systems shall submit a sewage management plan to Sherburne County that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:
 - a. The owner(s) of the shared sewage system;
 - b. An annual schedule for maintenance, inspection and monitoring of the shared sewage system;

- c. A contingency plan in the event of failure of the shared sewage system;
- d. A provision describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk;
- e. Assignment of responsibility for the management and payment of the shared system;
- f. The name and license number of the system’s designer.

Advisory Committee Comment: The management of shared sewer systems is considered to be an essential part of Cluster Plats and PUD’s. Management agreements help assure Sherburne County of professionally managed waste and sustainable growth.

4. **Site "Suitable Area" Evaluation.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subdivision 8, Subsection 5.

A. The project parcel 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

Lake classification	Sewered PUD Shoreland Tier Dimensions
General Development Lakes	250
Recreational Development Lakes	333
Natural Environment Lakes	333
All River Classes	333

B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential

or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

5. Residential and Commercial PUD Density Evaluation

The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer to the water body.

A. Residential PUD "Base" Density Evaluation:

- (1) The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subdivision 8, Subsection 6.

B. Commercial PUD "Base" Density Evaluation:

- (1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- (2) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios*			
Public waters classes			
	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition and forested river segments	Natural environment lakes
* Average unit floor area (square feet)	.040	.020	.010
200	.048	.024	.012
300	.056	.028	.014
400			

500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

- For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational tent camping areas, use the ratios listed at 400 square feet. Recreational Vehicle sites shall use a ratio for 1000 square feet.

- (3) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- (4) Divide the total floor area by tier computed in Item 3 above, by the average inside living area size determined in Item A. above. This yields a base number of dwelling units and sites for each tier.
- (5) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Subdivision 8, Subsection 6.

C. Density Increase Multipliers:

- (1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subdivision 5 are met or exceeded and the design criteria in Subdivision 8, Subsection 6, are satisfied. The allowable density increases in Item B. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

- (2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	50
Third	50
Fourth	50
Fifth	50

6. Maintenance and Design Criteria

A. Maintenance and Administration Requirements

- (1) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- (2) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - a. Commercial uses prohibited (for residential PUD's);
 - b. Vegetation and topographic alterations other than routine maintenance prohibited;
 - c. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d. Uncontrolled beaching of watercraft prohibited.
- (3) Development organization and functioning.

Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

- a. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

- b. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
- c. Assessments must be adjustable to accommodate changing conditions; and
- d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

B. Open Space Requirements:

Planned unit developments must contain open space meeting all of the following criteria:

- (1) At least 50 percent of the total project area must be preserved as open space;
- (2) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall 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;
- (5) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- (6) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
- (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; and
- (8) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

C. Erosion Control and Stormwater Management.

Erosion control and stormwater management plans must be developed and the PUD must:

- (1) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
- (2) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subdivision 5, Subsection 3.

D. Centralization and Design of Facilities.

Centralization and design of facilities and structures must be done according to the following standards:

- (1) Planned unit 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 and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subdivision 5, Subsections 2 and 8, of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
- (2) 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 in accordance with Subdivision 8, Subsection 5-C, of this ordinance for developments with density increases;

- (3) 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 (notwithstanding existing mooring sites in an existing commercially used harbor). 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;
- (4) 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. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- (5) Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized;
- (6) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subdivision 5, Subsection 2, of this ordinance and are centralized.

7. **Conversions**

Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

- A. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- B. 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.
- C. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- (1) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - (2) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - (3) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- D. Existing dwelling unit or dwelling site densities that exceed standards in Subdivision 8, Subsection 5, may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

SECTION 14.1 – SHORELAND RESIDENTIAL DISTRICT

Subdivision 1. Purpose

The purpose of the Shoreland Residential District is to provide higher density growth which is allowed under and consistent with the State Shoreland Rules. It will allow additional development in shoreland areas that are more urban in character because of previous residential development. Land within this district will be land that is not agriculturally important. Shoreland Residential is only allowed on General Development and Recreational Development Lakes and must be compliant with Section 14 of this Ordinance. All newly developed lots must be platted and have public road frontage.

All uses not listed as Permitted Uses, Conditional Use Permits or Interim Use Permits shall not be allowed within the Shoreland Residential Zoning District.

Subdivision 2. Permitted Uses

1. Single-Family Housing
2. Daycare, Family
3. Home Occupation

Subdivision 3. Conditional Uses

1. Personal Storage Structures

Subdivision 4. Interim Uses

Land in the General Rural District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 16.2 for a description of the requirements for each of these Interim Uses.

1. Bed and Breakfast

2. Home Business in an Accessory Building
3. Manufactured Home (Temporary) for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption)
4. Occasional Special Event
5. Recreational Activity
6. Temporary Start-up Business

Subdivision 5. Accessory Uses

1. Private Garages

Subdivision 6. Dimensional Regulations (All dimensions are measured in feet)

1. Minimum Lot Size: 40,000 square feet
2. Buildable Area Within a Lot: 40,000 square feet
3. Minimum Lot Dimensions:
Width: 150 feet (measured at the Ordinary High Water Level and road setback line)
Depth: 250 feet
4. Housing Density: 1 single family residence per lot
5. Minimum Setbacks, Principal or Accessory Structures:
Front, existing unplatted Parcels (from centerline):

Township Road:	100
County Road:	100
County State-Aid Highway:	130
Highways 24 or 25:	150
Highways 10 or 169:	200 of centerline of closest traveled lane or 80 from centerline of a service road

Front, Platted Lots (from right-of-way):

Township Road:	67,
County Road:	50
County State-Aid Hwy:	70
Highways 24 or 25:	80
Highways 10 or 169:	100

Side setbacks: 10*

** Author's note: If property owner is proposing to go closer than 20' from side lot line, applicant will either need a survey or a signed statement from a neighbor stating they both agree on the property line, then you may be only as close as 10 feet.*

Rear setbacks: 25

Side or rear setback from Sherburne National Wildlife Refuge or publicly owned land in the Sand Dunes State Forest 100

County Ditch (from top of ditch bank) 50

Pipeline Easements / Right of Way 50

A residence not located on the same property as a feedlot or manure storage area shall meet the minimum setbacks from a feedlot and manure storage area, as set forth in Section 17, Subd 15. However, a residence established prior to November 8, 2014, that does not comply with the feedlot or manure storage area setbacks, may continue and may expand without being considered a non-conforming structure.

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

6. Maximum Building Heights: 25 feet

7. Maximum Building Depth Below Grade

Set lowest floor at Lowest Floor Elevation (LFE) or if no LFE is established, the low floor elevation must be placed at a level three feet above the highest known water level or Ordinary High Water Level, whichever is higher.

Subdivision 7. Road Intersections/Highway Accesses

Road intersections and highway accesses shall conform to the Sherburne County Transportation Plan, *Table 16 Sherburne County Access Spacing Guidelines*".

Subdivision 8. General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, mobile homes, site plan reviews and animals are presented in Section 17, General Development Regulations.

SECTION 15 - MISSISSIPPI AND RUM SCENIC AND RECREATIONAL RIVER ORDINANCE

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Subdivision 1. Policy and Authorization

An ordinance for the controlling of bluffland and riverland development, in order to protect and preserve the outstanding scenic, recreational natural, historical and scientific values of the Mississippi and Rum River in Sherburne County, Minnesota, as required by Minnesota Statutes, Chapter 103F.301-103F.35, Minnesota Rules, Chapter 6105.0010-6105.0250, the Management Plans for the Mississippi (MR 6105.0800-6105.0960) and Rum (MP 6105.1400-6105.1500) Rivers.

Subdivision 2. Title

1. **Short Title.** This ordinance shall be known, cited and referred to as the County of Sherburne Mississippi and Rum Scenic and Recreational River Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

Subdivision 3. Purpose

This ordinance is adopted to achieve the policy of Subdivision 1 and to:

1. Designate land use districts along the bluffland and shoreline of the Mississippi and Rum Rivers.
2. Regulate the area of a lot, and the length of the bluffland and water frontage suitable for building sites.

3. Regulate the setback of structures and sanitary waste treatment facilities from blufflines and shorelines to protect the existing and/or natural scenic values, vegetation, soils, water quality, floodplain areas, and bedrock from disruption by man-made structures or facilities.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Conserve and protect the natural scenic values and resources of the Mississippi and Rum Rivers and maintain a high standard of environmental quality.

Subdivision 4. General Provisions

1. **Jurisdiction.** The Jurisdiction of this ordinance shall include all unincorporated land designated within the Mississippi River and Rum River land use districts within Sherburne County as shown on the official Sherburne County Zoning Map.
2. **Compliance.** The Use of any land within the Mississippi and Rum Rivers land use districts(s); the size and shape of lots; the use and location of structures on lots; the installation and maintenance of waste disposal facilities; the filling, grading, lagooning, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. Permits from the Zoning Administrator are required by this ordinance and the Sherburne County Zoning Ordinance for the construction of buildings, public or private sewage treatment systems, the grading and filling of the natural topography and erection of signs within the Mississippi and Rum Rivers Scenic and Recreational land use district(s).
3. **Rules:**
 - A. It is not intended by this ordinance to repair, abrogate or impair any existing easement, covenants, deed restrictions, or land use controls. Where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.
 - B. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.C. The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this ordinance or the application of this ordinance to a particular property, building or other structure, such judgement shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said judgement.

Subdivision 5. Land Use District Provisions

1. Designation of Districts:

A. In order to preserve and protect the Mississippi and Rum Rivers and their adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values; the Mississippi and Rum Rivers in Sherburne County have been given the Scenic and Recreational River classifications and the uses and classification of the rivers and their adjacent lands are hereby designated by land use zoning districts, which are shown on the Sherburne County Zoning Map and shall be as follows:

1. Scenic River Management Zone: All lands within the Scenic River District of the Rum River as identified in Minnesota Rule 6105.1400 and all lands along the Mississippi River which are between the State Highway #24 bridge at Clearwater and the St. Cloud City limits as identified in Minnesota Rule 6105.0830.
2. Recreational River Management Zone: All lands along the Mississippi River which are downstream from the State Highway #24 bridge at Clearwater as identified in Minnesota Rule 6115.0950-6105.0960.

2. Minimum area, setbacks and other requirements:

A. The following chart sets forth the minimum area, setbacks, and other requirements on each district:

	<u>Scenic</u>	<u>Recreational</u>
1. Minimum lot size above high water mark	20 acres or 4 acres if platted	20 acres or 2 acres if platted
2. Lot width at building line	250'	200'
3. Lot width at ordinary high water mark	250'	200'
4. Structure setback from ordinary high water mark	150'	100'
5. Structure setback from bluffline	30'	25'
6. On site sewage treatment system setback from ordinary high water mark	100'	75'
7. Maximum structure height*	35'	35'

- 8. Controlled vegetative cutting area (See Subdivision 8)
- 9. Setback from bluffline 30' 25'

* Does not apply to structures used for agricultural purposes.

- 10. Minimum Setbacks, Principal or Accessory Structures:

Front, Unplatted Parcels (from centerline):

- Township Road: 100'
- County Road: 100'
- County State Aid Highway: 130'
- Highways 24 or 25: 150'

Front, Platted Lots (from right-of-way):

- Township Road: 67'
- County Road: 50'
- County State-Aid Hwy: 70'
- Highways 24 of 25: 80'

Platted or Unplatted:

- Side Setbacks: 10'*

*Author's note: If property owner is proposing to go closer than 20' from side lot line, applicant will either need a survey or a signed statement from a neighbor stating they both agree on the property line, then you may be only as close as 10 ft.

- Rear setbacks: 25'
- County Ditch: 50'
(from top of ditch bank)
- Pipeline Easements/Right of Way 50'

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

11. **Maximum Building Depth Below Grade:**

Set lowest floor at Lowest Floor Elevation (LFE) or minimum one (1) foot above mottling, whichever is higher. If no LFE is established, set lowest floor minimum one (1) foot above mottling.

12. **Buildable Area Within a Lot:**

No public or shared sewage treatment system 40,000 sq. ft.

13. **Housing Density:** 1 Single family residence per lot

14. **Minimum Lot Depth:** 300 ft.

B. No structure shall be placed on any slope greater than 13 % (13 feet vertical rise in 100' horizontal distance).

C. No structure shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the statewide Standards and Criteria for Management of Floodplain Areas of Minnesota (Minnesota Rules 6120.5000-6120.6200) and Section 13 of the Sherburne County Zoning Ordinance.

3. **Substandard Lots:**

A. Lots of record in the office of the Sherburne County Recorder on the effective day of enactment of this ordinance which do not meet the dimensional requirements of this ordinance shall be allowed as building sites, provided: such use is permitted in the land use district; the lot was in separate ownership on the date of enactment of this ordinance; and all sanitary and dimensional requirements are complied with, as practicable.

B. If in a group of contiguous lots under a single ownership, any individual lot does not meet the lot width minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this ordinance, except that such lots which are 50 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage treatment systems can be installed so as to comply with this ordinance.

Subdivision 6. Uses within the Land Use Districts

1. **Purpose:** The purpose of establishing standards and criteria for uses in the Mississippi and Rum River land use district shall be to protect and preserve existing natural, scenic, historical, scientific, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the standards and criteria for Scenic and Recreational Rivers.

2. **Permitted and Conditional Uses:**

A. In the following table of uses "P" means Permitted Use, "C" means Conditional Use and "N" means Nonpermitted Use.

Certain of the following uses are subject to the zoning dimension provisions and sewage treatment system provisions of Subdivisions 5 and 7 of this District. All of the following uses are subject to the vegetative cutting provisions of Subdivision 8 of this District.

Land Use Districts:	<u>Scenic</u>	<u>Recreational</u>
1. Governmental campground, subject to management plan specifications	P	P
2. Private campgrounds, subject to management plan specifications	C	C
3. Public accesses, road access type with boat launching facilities subject to management plan specifications	P	P
4. Public accesses, trail access type, subject to management plan specifications	P	P
5. Temporary docks	C	C
6. Other governmental open space recreational uses, subject to management plan specifications	P	P
7. Other private open space recreational uses, subject to management plan specifications	C	C
8. Agricultural uses	P	P
9. Single family residential uses	P	P
10. Forestry uses	P	P

11.	Essential services	P	P
12.	Sewage disposal systems	P	P
13.	Private roads and minor public streets	P	P
14.	Signs approved by federal state or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use	P	P
15.	Signs not visible from the river that are not specified in (14). In accordance with Section 17 of Sherburne County Zoning Ordinance	P	P
16.	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads	P	P
17.	Underground mining that does not involve surface excavation in the land use district	C	C
18.	Utility transmission power lines and pipelines subject to the conditions and criteria of Minnesota Rules 6105.0170	C	C
19.	Public roads, subject to the conditions and criteria of Minnesota Rules 6105.0190 and 6105.0200	C	C
20.	Churches and graveyards	C	C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.

B. In addition to uses in Subdivision 6, Subsection 2, the following uses shall be considered conditional uses with the **Mississippi Special Use District** which includes all of the Mississippi River land use district legally described as all of Government Lots 1,2,3,4 of Section 35, Township 33N, Range 28W, and is shown on the Sherburne County Zoning Map.

1. Restaurant, Cafe or Tavern
2. Professional Offices

3. Franchised automobile and farm implement dealers
4. Motel, motor hotel or tourist camp
5. Miniature golf courses or archery or golf driving range
6. Marine and boat sales
7. Landscape nursery, garden store
8. Drive-in restaurants or similar uses that provide goods and services patrons in automobiles
9. Drive-in retail stores or service uses
10. Bowling alleys
11. Automobile service stations
12. Car washes

Subdivision 7. Sewage Treatment Systems

1. Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administrative procedures set forth in the Sherburne County Zoning Ordinance (Subdivision 17.5) and the minimum standards of the Minnesota Pollution Control Agency, the Minnesota Department of Health and Subdivision 5, Subsection 2, of this Ordinance.
2. No person, firm, or corporation shall install, alter, repair or extend any individual sewer disposal system without first obtaining a permit for such from the Zoning Administrator for the specific installation, alteration, repair, or extension.

Subdivision 8. Landscape Alterations

1. **Vegetative Cutting:**
 - A. General Provisions, within designated setback areas:
 1. Clear cutting except for any authorized public services such as roads and utilities, shall not be permitted.

2. Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
 3. The cutting provisions of Subdivision 8, Subsection 2, shall not be deemed to prevent:
 - a. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
 - b. Pruning understory vegetation, shrubs, plants, brush, grass, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.
- B. Clear Cutting: Clear cutting anywhere in the designated land use district on the Mississippi or Rum Rives is subject to the following standards and criteria:
1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning authority to be fragile and subject to severe erosion and/or sedimentation.
 2. Clearcutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
 3. The size of clear cut blocks, patches or strips shall be kept at a minimum necessary.
 4. Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.
 5. Clear cutting, except for public services such as roads and utilities, is not permitted within the following distances from the Ordinary High Water Mark:
 - 150' of the Scenic River District
 - 100' of the Recreational River District
 - 100' of designated tributaries or scenic and recreational rivers identified in the rules.

Clear cutting, except for public services such as roads and utilities, is not permitted within the 30 feet from blufflines in both the Scenic and Recreational River Districts.

2. Grading, Filling, Alterations of the Beds of Public Waters:

- A. Any grading and filling work done within the designated land use districts(s) of this ordinance shall require a permit from the Zoning Administrator and shall comply with the following:
 - 1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district(s).
 - 2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning authority. A grading and filling permit may be issued only if the conditions of Subdivision 8, Subsection 2, are properly satisfied.
 - 3. Grading and filling of the natural topography shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
 - 4. Grading and filling of the natural topography shall also meet the following standards:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible.
 - b. Temporary ground cover such as mulch is used and permanent ground cover, such as sod is planted.
 - c. Methods to prevent erosion and to trap sediment are employed.
 - d. Fill is stabilized to accepted engineering standards.
- B. Excavation of material from, or filling in a Scenic or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the Commissioner of DNR pursuant to Minnesota Statutes Section 103G.315.
- C. Drainage or filling in of wetlands is not allowed within the land use district(s) designated by this ordinance.

Subdivision 9. Land Subdivision

1. Land Suitability:

- A. No land shall be subdivided which is determined by the Sherburne County Board of Commissioners to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential,

unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. "Within the Rum Scenic River District no plat or subdivision shall be approved unless or until the applicant has proven by all methods required in Subdivision 7 of this ordinance, that each lot in the proposed subdivision has adequate area and a suitable location for a conforming septic tank and soil absorption system"

- B. The provisions otherwise set forth in this ordinance and in the Sherburne County Subdivision Ordinance shall apply to all plats.

Subdivision 10. Administration

1. Organization Provisions:

- A. The provisions of this ordinance shall be administered by the Sherburne County Zoning Administrator.
- B. The Board of Adjustment of Sherburne County shall act upon all questions as they arise in the administration of this ordinance; to hear and decide appeals; and to review any order, requirements, decisions or determination made by the Zoning Administrator, who is charged with enforcing this ordinance as provided by Minnesota Statutes.
- C. Permit fees and inspection fees as may be established by resolution of the Sherburne County Board shall be collected by the Zoning Administrator for deposit with Sherburne County and credited to the appropriate general fund.

2. Nonconforming Uses, Substandard Uses:

- A. Nonconforming Uses. Uses which are prohibited by this ordinance but which are in existence prior to the effective date of this ordinance shall be non-conforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permits issued prior to the adoption of this ordinance.
- B. Substandard Uses. All uses in existence prior to the effective date of enactment or amendment of this ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exception:
 - 1. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

2. Where a setback pattern from the ordinary high watermark has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply to lots which do not meet the minimum lot width requirements (Subdivision 5 of this ordinance).

3. **Plats:**

- A. Copies of all plats within the boundaries of the Mississippi and Rum River Land Use District(s) shall be forwarded to the Commissioner within ten (10) days of approval by Sherburne County.
- B. Inconsistent Plats: Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

4. **Conditional Use Permit Review:**

- A. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the Commissioner at least ten (10) days prior to such hearings or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.

5. **Approval by Commissioner:**

- A. Certain land use decisions which directly affect the use of land within the designated land use districts and involve any of the following actions must be approved by the Commissioner.
 1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
 2. Granting a variance from a provision of this ordinance which relates to the zoning dimension provisions of Subdivision 5 of this ordinance.
 3. Approving a plat which is inconsistent with the local land use ordinance.
- B. Review Procedure:
 1. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under local ordinance shall be sent so as to be received by the Commissioner at least ten (10) days prior to such hearings or meetings

to consider such actions. The notice of application shall include a copy of the proposed ordinances or amendment.

- 2. The action of Sherburne County shall become effective when and only when either:
 - a. The action has previously received approval from the Commissioner.
 - b. Sherburne County receives approval after its final decision; or
 - c. Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and no response has been sent by the Commissioner; or
 - d. The Commissioner certifies his approval within 30 days after conducting a public hearing.

6. **Permits:** The following table summarizes the permit and certification process within the land use districts designated by this ordinance.

<u>Scenic and Recreational Land Use District Permits</u>	<u>Action Necessary</u>
Building Permits	LP
Sign Construction Permits	LP
Septic Permits	LP
Grading, Filling Permits	LP
Conditional Use Permits	PH - FD
Amendments to Ordinance	PH - AC
Amendments of District Boundary*	PH - AC
Variances	PH - AC
Plats	PH (Notification not required) - FD

LP: Permit issued by Sherburne County in accordance with this ordinance and all other County ordinances.

AC: Approval by the Commissioner of Natural Resources prior to final local approval.

PH: Public hearing necessary by the local authority giving 10 days notice of the hearing to the Commissioner of Natural Resources.

FD: Sherburne County forwards any decisions to the Commissioner of Natural Resources within 10 days after taking final action.

* Amendments to District Boundary also requires a hearing by the Department of Natural Resources under the authority of Minnesota Statutes Chapter 15.

7. **Enforcement:** In the event of a violation or a threatened violation of this ordinance, Sherburne County or the Commissioner of Natural Resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

SECTION 16 - CONDITIONAL USES

This section presents the conditions that must be met for each possible Conditional Use listed in the various Zoning Districts.

The procedure for review and approval of a Conditional Use Permit is presented in Section 18 of this Ordinance, Administration and Enforcement.

Conditional Uses for the Mississippi Special Use District are governed by Section 15 Subdivision 6 (B).

The following table indicates in which District(s) each Conditional Use is allowed and whether approval is granted by the County Board of Commissioners or the County Planning Commission.

Subdivision 1: List of Conditional Uses

- Aircraft landing strip, private
- Airport, public use - Airport, private use
- Aquaculture
- Automobile Service Stations
- Bowling Alley
- Car Wash
- Cemetery
- Church
- Commercial development
- Communication Towers & Antennas (See Section 16.5)
- Day care, commercial
- Day care, in-home
- Docks, temporary
- Drive in Restaurant
- Drive in Retail Store
- Farm-related business
- Farm-related bunkhouse for temporary seasonal residence
- Feedlots and/or Manure Storage Areas
- Flood control and watershed structures
- Game refuge and wildlife management area, private
- Golf course
- Grain Elevator
- Historical site
- Industrial development
- Light Industry
- Manufacturing of products and materials

Marinas and boat rentals
Mini Storage Facilities
Motel
Motor sport Facilities - Public
Multiple Family Residential Building
Nursery, retail
Office Buildings
Parking lot
Parks, open spaces, wild life refuges (public)
Pawnbrokers
Permanent government structure
Personal Storage Structure
Planned Unit Development (Residential)
Planned Unit Development (Shoreland)
Power generation plant
Pre-existing non-agricultural activity
Public Buildings and Facilities
Radio Facility
Railroads
Railroad yards and terminals
Recycling operations Facility for non-hazardous waste
Recycling operations Facility for hazardous waste
Restaurant, Cafe, Tavern
Retail Sales Business
Riding stable
Roads, public
School, public or private
School bus service
Seasonal storage
Second farm-related dwelling
Single-family housing
Truck Terminal
Utility lines
Warehousing
Waste Facility
Water control structures
Windpower Management

Subdivision 2: Conditions

1. **Aircraft Landing Strip**, provided:
 - A. The airplane landing strip has the approval of the Minnesota Department of Transportation.
 - B. The use of the airport is limited to the property owner.

2. **Airport, Public Use or Airport, Private Use**
 - A. The public use airport has the approval of the Minnesota Department of Transportation.
 - B. The use of the airport will not unduly interfere with the use and enjoyment of other properties, including by the effects of noise.

3. **Aquaculture**. The use of water or a combination of land and water for the growing, raising, feeding, breeding or holding of aquatic plants or animals and activities appurtenant thereto subject to the following criteria:
 - A. The provisions of Section 13 (Floodplains) and Section 14 (Shorelands) are met if applicable.
 - B. Any required State or Federal permits are applied for and issued.
 - C. The activity must be located on a minimum of five acres.
 - D. The Conditional Use Permit shall establish whether retail sales are permitted and if permitted to what extent.

4. **Cemeteries**

5. **Churches**, including related structures and activities located on the same site which are an integral part of the church proper, and convents or homes for persons related to the religious functions.

6. **Communication Towers & Antennas** shall be allowed if it meets the conditions set forth in Section 16.5 General Standards for Communication Towers.

7. **Day Care** (in-home or commercial), provided:
 - A. Any state licensing or permitting requirements are met.

8. **Farm-Related Businesses.** Business directly related to the conduct of commercial agriculture, provided:
- A. The business is primarily farm-related under one or more of the following criteria:
 - 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations.
 - 2. The business produces a product or involves a process that utilizes locally grown or produced commodities.
 - 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.
 - B. Sewage is treated by an on-site sewage system and in accordance with Section 17.5 of this Ordinance.
 - C. The business is of a scale that the demand for support services such as sewer, water, police, fire protection, roads or streets, can be accommodated within the context of the service levels available in the Agricultural District.
 - D. The business is operated in conformance with the conditions of an approved plan of operation.
 - E. The applicant submits a copy of Workers' Compensation Insurance or signs an affidavit stating that he will not have any employees.
9. **Farm Related Bunk House for Temporary Seasonal Residence.** Temporary seasonal multi-unit residence allowed solely for the housing of seasonal help for agricultural production needs.
- A. A site plan for each parcel with a multi-unit dwelling is submitted showing the following:
 - 1. The location of the housing unit (s).
 - 2. The access to the housing unit (s).
 - 3. The location of the sewage treatment system.
 - 4. Applicable zoning setbacks for the structure.
 - 5. Adjacent land uses.
 - 6. One multi-unit structure per farming operation.
 - 7. No more than four (4) units per multi-unit structure or a ten bedroom structure.
 - 8. Each unit of the multi-unit structure must contain at least eight hundred (800)

square feet of habitable space for four (4) occupants. *Habitable space for this purpose is defined as square footage of the bedroom(s), living room(s) and kitchen areas, excluding bathrooms, corridors and/or hallway areas.*

9. Adequate emergency storm shelter facility.
 10. Complete set of building plans that are in conformance with all state and local building codes and subject to the approval of the Sherburne County Building Official.
-
- B. The employer and all seasonal workers are in compliance with all applicable state and federal laws, including all laws regulating seasonal migrant workers.
 - C. Uniform Building Code capacity load requirements specify a minimum of two hundred (200) square feet of habitable space per occupant. *For example, a unit containing 800 square feet of habitable space would have a maximum occupancy load of four (4) occupants.*
 - D. Each multi-family unit is connected to a sewage treatment system and is designed by an MPCA licensed professional to handle the capacity of all housing units connected.
 - E. All property taxes and personal property taxes are current.
 - F. The applicant shall own a minimum of 160 acres of land.
 - G. The length of time the multi-unit dwelling shall be occupied is limited to the needs of the farming operation and allowed only during the period of April 15th through November 1st. A temporary residence shall be occupied by farm workers only and the applicant shall provide written notice to Sherburne County as to when the temporary residence(s) will be occupied each year.
 - H. All solid waste generated by the occupants is disposed of properly in accordance with the Sherburne County Solid Waste Ordinance.
10. **Feedlots and/or Manure Storage Areas**, provided:
- A. All Feedlots shall comply with MN Rule 7020.
 - B. Manure Storage Areas shall be designed, constructed and maintained in compliance with MN Rule 7020.2100.
 - C. All feedlots and/or manure storage areas shall comply with Section 17, Subd 16 and Section 18 Subd 5.
 - D. All proposed feedlots and/or manure storage areas requiring a Conditional Use Permit shall submit an application to the Zoning Department, along with the

required fee and the following information:

1. A complete Conditional Use Permit application with a map or aerial photo indicating dimensions of the feedlot and/or any manure storage area, and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow.
2. A copy of approval from the MPCA to operate a feedlot.
3. Designation of applicable Tier (e.g. Tier 1, Tier 2, etc.)

11. **Golf Courses** subject to the following criteria:

- A. If the course is proposed to be located in the floodplain, the criteria in the Floodplain District of this Ordinance in addition to these criteria must be complied with.
- B. The course must be located on either a minor collector, a major collector, a minor arterial or major arterial road as identified in the 1990 Transportation Plan.
- C. A permanent club house must be constructed that is adequate in size as per the state building code to serve the proposed number of golfers.
- D. The course must be a minimum of 9 holes.
- E. There must be adequate fencing to deter trespassing on adjacent property.
- F. Parking requirements - 20 spaces, plus three spaces per hole. If a restaurant and/or bar is established, one additional space per four seats is required. Additional requirements may be added if additional activities are proposed.
- G. There must be an on-site sewer system that is constructed in accordance with Section 17 of this Ordinance. The County may require that the system be designed by a registered engineer.
- H. All buildings must be constructed in conformance with the State Building Code.
- I. The applicant will submit information identifying wetlands, watercourses, water bodies and wooded areas. The applicant will also state how the proposal would affect the above natural features. The proposal will be reviewed to determine adverse impact on the above natural features and on areas or sites of historical or archaeological significance. Conditions may be imposed to limit or prevent adverse impact on the above stated or other natural features.
- J. The applicant shall submit an operational plan which, when accepted by the County Board shall become part of the Conditional Use Permit.

- K. Any of the above requirements may be waived by the County Board for golf courses existing at the time of adoption of the subdivision or for golf courses that were once in existence and are being reactivated.
 - L. Appropriate uses accessory to a golf course include but are not limited to a pro shop, a club house, locker room, restaurant and bar, private parties, tennis courts, racquetball, swimming pool, indoor track, exercise room, sauna or steam room, snowmobiling, snowshoeing, cross country skiing.
 - 1. These are uses generally or sometimes found in conjunction with golf courses. Those permitted under a particular conditional use permit will be dependent upon additional parking capacity, the capacity of the on-site sewer system and the water supply system.
 - 2. If these uses are to be permitted they must be addressed in the operational plan. Any changes in use requires an amendment to the conditional use permit.
 - M. The front yard setback area may be utilized for parking purposes. A parking area located in a front yard setback may not be hard surfaced with asphalt, concrete or similar material. At no time shall a parking lot intrude upon or in any way utilize road right-of-way for parking purposes.
12. **Historical Sites** and activities as recognized by the State Historical Society.
13. **Light Industry, provided:**
- A. The applicant or business involves the processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.
 - B. The proposed business is located within an area of similar land uses and maintains or enhances the character of the immediate neighborhood.
14. **Mini Storage, provided:**
- A. There shall be no exterior storage of any kind.
15. **Motor sport Facilities and Tracks, previously covered under “Activities Requiring Rural Isolation” - Public.** Tracks and sites for dirt bikes, all terrain vehicles, “mud trucks”, race cars and similar vehicles under the following conditions:
- A. The use of the facility is limited to the permitted number.

- B. The facility is not allowed in a residential plat.
 - C. The facility must be located on a minimum of twenty (20) acres.
 - D. The County may limit the days and hours of operation.
 - E. The facility must be located a minimum of 1,000 feet from any residence except that of the landowner and a minimum of ½ mile from ten or more homes existing prior to application for a permit under this provision.
 - F. The facility must be located a minimum of 1000 feet from a livestock facility.
 - G. Sufficient on-site parking must be available.
 - H. Road access must be approved by the road authority.
 - I. Owners of “Public Use Facilities” must furnish proof of adequate liability insurance to cover non-family users.
 - J. Landowners wishing to hold a single day or week-end motor sport event or permit holders wishing to schedule a special event in excess of their permit limits may apply for an “Occasional Special Events” Conditional Use Permit (Sec 16, Subd 2-26)
16. **Pawnbrokers.**
See Section 16.7 Pawnbrokers.
17. **Permanent Municipal, Township or County Structures** or uses of land except roads and their appurtenances and drainage systems established pursuant to Minnesota Statutes Chapter 103E.
18. **Personal Storage Structure**, provided:
- A. An outbuilding without a primary residence defined as a Personal Storage Structure.
 - B. Personal Storage Structures will be limited to personal use and cannot be used for any business operation.
 - C. Only one Personal Storage Structure be allowed per parcel.
 - D. The size of the Personal Storage Structure will be limited to 1800 sq. ft. unless the parcel is less than 2.5 acres and then the size limit will be a 1,200 sq. ft. building.
 - E. A maximum height of the structure is 25 feet from the ground to the peak.

- F. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
 - G. No plumbing or floor drains shall be allowed.
 - H. Personal Storage Structures will not be allowed in a platted development, unless in a Shoreland District.
19. **Planned Unit Development (Residential)** for development of land for residential housing and located in a designated R-PUD Overlay District. The permit must abide by and meet all of the standards set forth in the Sherburne County Subdivision Ordinance, Section 10.1, Residential Planned Unit Development.
20. **Power Generation Plants**, provided that the County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control and surface water ponding and runoff.
21. **Private Game Refuge and Wildlife Management Areas** provided:
- A. A permit is issued by the Minnesota Department of Natural Resources.
 - B. Hunting is allowed only by Conditional Use Permit.
22. **Public Schools** or schools which teach a similar curriculum, provided the school has the approval of the State Department of Education.
23. **Recycling Operations Facility for Non-hazardous Waste**, means provided a plan is approved by the County Planning Commission controlling noise, litter, odors, traffic, air pollution and water pollution.
24. **Recycling Operations Facility for Hazardous Waste**, provided that a plan is approved by the County Board of Commissioners and Minnesota Pollution Control Agency controlling water pollution, air pollution, noise, litter, odors and traffic.
25. **Riding Academies, Stables** and similar uses, provided:
- A. The use must be located on a minimum of ten acres. The number of animal units permitted will be regulated by the permit.
 - B. If the facility has more than ten horses, an MPCA feedlot Certificate of Compliance must be issued.
 - C. If the facility has ten or fewer horses there must be an acceptable manure handling plan.

- D. The facility is operated in conformance with an approved plan of operation.
26. **School Bus Service.** The operation, maintenance and storage of more than two school buses provided the following criteria are met:
- A. The school bus service must be located on a parcel of 10 acres or more.
 - B. The parcel must be on a hard surface road unless access via a gravel road is approved by the Township.
 - C. All buses must be screened from view from the public road by a combination or plantings, berming and/or fencing.
27. **Seasonal Storage,** provided:
- A. Seasonal Storage Business established after January 3, 2006 must be located on a minimum of twenty acres. Businesses established prior to this date may be located on any sized acreage, however the landowner must provide proof of the year established, such as commercial tax records. The business may not be located within a residentially platted parcel.
 - B. The existing facility must consist of agricultural buildings converted for seasonal storage.
 - C. If the buildings used for seasonal storage are damaged or destroyed beyond 50% of their value as determined by the Building Official, they may be rebuilt for the purposes of seasonal storage in accordance with the Minnesota State Building Code.
 - D. An operational plan must be approved by the County as stipulated within the conditions of approval.
 - E. Days and hours of operation shall be included within the “operational plan” with the understanding this is a seasonal storage facility.
 - F. The public shall not have individual access to the storage facilities. All access shall be gained by employees of the storage facility or their agent only.
 - G. There shall be no exterior storage of any kind.
 - H. Pre-existing seasonal storage businesses which may qualify for this Conditional Use Permit shall obtain a Conditional Use Permit by July 11, 2006 or shall be in violation of the Sherburne County Zoning Ordinance.

28. **Second Farm-Related Dwelling.** A second permanent farm-related dwelling may be located on a parcel of at least 80 acres or 2 quarter-quarter sections without subdividing a lot, provided:
- A. The house is occupied by someone employed on the farm at least 20 hours per week.
 - B. The location of the second farm related dwelling on this parcel must be wooded (refer to Definitions Section) and meet the minimum lot size and dimensional regulations of the underlying zoning district.
 - C. An on-site sewer system is installed in conformance with Section 17 of this Ordinance.
 - D. A boundary survey shall be required if the parcel is to become a separate lot of record.
 - E. A site plan must be submitted with the application that shows how the second dwelling could meet platting requirements.
29. **Single-Family Housing,** provided that the housing development requirements of the Agriculture District are followed.
30. **Waste Facility** means all property, real or personal, including negative and positive easements and water and air rights, which is, or may be needed, or useful for the processing or disposal of waste, except for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities providing the following standards are met:
- A. The facility/operation is in compliance with the Sherburne County Solid Waste Ordinance and any other applicable ordinance.
 - B. The facility/operation is in compliance with the adopted Comprehensive Plan and the Solid Waste Master Plan.
 - C. The site shall not be located within the Shoreland or Floodplain Districts.
 - D. Any required environmental assessment documents have been developed and required review procedures have been completed.
 - E. Any required County, State, or Federal licenses have been issued.
 - F. The facility/operation is in compliance with all applicable Minnesota Pollution Control Agency and U.S. Environmental Protection Agency rules and regulations.
 - G. An operational plan shall be developed and the activity conducted in accordance with the operational plan.
 - H. The permit shall be subject to annual renewal. Renewal shall occur during the same month as County license renewal.

- I. A site plan is submitted showing adjacent land uses and the type of measures that will be used to buffer the physical impacts to these sites.

31. Windpower Management

- A. Purpose: The purpose of this ordinance is to regulate all proposed wind energy facilities with a rated capacity of less than 5 megawatts (5,000 kw) as either a permitted use or a Conditional Use.
- B. Windpower systems shall be divided into two categories; Hobbyist and Commercial.
- C. Compliance with Codes and Standards: All wind turbines shall be in compliance with all applicable state and federal regulatory standards including:
 - 1) Uniform Building Code as adopted by the State of Minnesota.
 - 2) The National Electrical Code as adopted by the State of Minnesota.
 - 3) The National Electric Safety Code.
 - 4) FAA requirements.
 - 5) MPCA / EPA regulation (hazardous waste, construction, storm water, etc.).
- D. Certifications required for all turbines:
 - 1) Equipment shall conform to applicable industry standards for wind turbine design and related standards adopted by the American Standards Institute (ANSI). The equipment shall have a manufacturer's certification that is in compliance with industry standards and all electrical is UAW listed.
 - 2) Additional information may be required for all turbines that are experimental, used or prototype devices. Maintenance record, inspection by qualified wind energy professionals or some other documentation of unit integrity may be requested.
 - 3) A professional engineer registered in the State of Minnesota shall certify that the design, construction and operation and that the tower and foundation are compatible with and appropriate for the turbine to be installed.
- E. Plan Requirements for Commercial: A description of the project including number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction shall be submitted upon application of a Conditional Use Permit. The description must include the following:
 - 1) A site plan, detailing the location of the project area boundaries, turbines, roads, transformers, power lines, communication lines, interconnection point with transmission lines, and other ancillary facilities or structures. (including support)

- 2) Topographic map of the project site and surrounding area.
- 3) Current land use on the site and of the surrounding area.
- 4) Distance to impacted properties.
- 5) Decommissioning plan.
- 6) Engineering certification of tower and foundation design suitability for turbine and soils.
- 7) Certification by an engineer as to compliance with all codes.
- 8) On experimental turbines, used or prototype devices, additional information may be requested.
- 9) All wind turbines must have a manual and automatic braking system device capable of halting operation in high winds as per the manufacturer's design.

F. Setback Requirements for Commercial:

<u>Object:</u>	<u>Setback:</u>
Residence (except property owner)	550 feet
Project Boundary / Property Line	500 feet
Public Roads (from right-of-way)	300 feet
 Minimum Acreage	 10

G. Hobbyist. This type of system is designed for small load personal use or to supplement commercial grid supplied electricity. The system may be connected to the commercial electrical grid and electricity sold.

- 1) Requires a land use permit including a site plan. Site Plan must include the following:
 - a) Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - b) Manufacturers Certification
- 2) Towers are free standing and guyed, and do not exceed 100 feet in height (exclusive of the rotor blades).
- 3) Total maximum electrical output may not exceed 20 kilowatts. The maximum number of wind turbines allowed on a property will be as follows:
 - a. One (1) wind turbine for less than 5 acres
 - b. Two (2) wind turbines for 5 acres but less than 10 acres.
 - c. Three (3) wind turbines for 10 acres or more.

If a property owner proposed more than listed above, a Conditional Use Permit will be required.

- 4) Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code ((NEC).
 - 5) Applications for wind turbines that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
 - 6) Towers shall be setback from all property lines and public road right-of-ways an amount equal to the height of the tower plus 25 feet.
 - 7) Minimum acreage is 2 acres.
 - 8) Allowed only in Commercial District, Industrial District, General Rural District, and Agricultural District. Not permitted in Mississippi Wild and Scenic River District or in Shoreland Overlay District.
 - 9) All Wind Energy Conversion Systems must have a manual and automatic braking system device capable of halting operation in high winds as per the manufacturer's design.
- H. Noise Standards: Noise is regulated by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum night and daytime noise levels that effectively limit wind turbine noise to 50 db at neighboring residences.
- I. Decommissioning (required for all Commercial Wind Turbines)
- 1) The property owner shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of four feet; restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required. A notice of the existing footing and location of the wind facility must be recorded on the property's legal description at the same time the CUP is recorded.
 - 2) The decommissioning plan shall include the following:
 - a) When and how a facility is to be decommissioned.
 - b) Estimated cost of decommissioning.
 - c) Financial guarantee to be used to accomplish decommissioning.
- J. Aesthetics: In the grant of the land use of the issuance of the CUP, the following conditions may be imposed to minimize visual impacts:
- 1) Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.
 - 2) Signage: Including anything on the tower shall be consistent with other county ordinances pertaining to signage and may only be superseded by State or Federal Ordinance.

- 3) Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal ground security lighting shall be permitted except as may be required by the FAA.
- 4) Intra-project Power and Communication Lines: Shall follow codes for all power lines.
- 5) Security shall be addressed for the tower and any ancillary facilities.
- 6) All wind turbines which are part of a Commercial Wind Energy Conversion System, shall be installed with a tubular, monopole type tower.

K. Public Services:

- 1) Roads: Contractor and County will conduct evaluation of current conditions. If damage occurs to road, contractor will be required to pay appropriate amount or repair road to pre-construction condition. Contractor will be required to obtain all required permits.

L. Interference

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any wind turbines. The applicant shall notify all communication tower operators within two miles of the proposed wind turbine location upon application to the County for permits. No wind turbines shall be constructed so as to interfere with County, State or Federal transmissions of communications for safety. If a tower is found to interfere with the transmission of communications for safety, the landowner shall be responsible for the remediation or removal of the tower at their own expense.

SECTION 16.1 GENERAL STANDARDS FOR SLAUGHTERHOUSE ACTIVITIES

Subdivision 1: Purpose and Intent

The purpose of the provisions on Slaughterhouse activities is to:

1. Recognize that food, in its various forms, is essential to the health and well being of Sherburne County, and that the unregulated operation of slaughter houses may create health hazards, or otherwise jeopardize the public health and welfare of the residents of Sherburne County.
2. It is the intent of Sherburne County to attempt to frame this Ordinance consistently with the definitions and regulations already in place in State Statute so as to provide for the consistent and convenient regulation of slaughterhouses.
3. It shall be unlawful for any person to operate a slaughterhouse or custom processing facility for the butchering of animals in Sherburne County except in conformance with this Ordinance.

Subdivision 2: Definitions. The definitions set forth herein are based upon those definitions contained in Minnesota Statutes Section 31.51, 28A.03 and any amended or successor statutes.

To the extent that these definitions may be inconsistent with other definitions within the Sherburne County Zoning Ordinance, for the purposes of Section 16.1, these definitions apply. These definitions do not apply to other sections of the Sherburne County Zoning Ordinance.

Animal or Animals. “Animal” or “animals” shall mean all living, non-human beings, including but not be limited to, cattle, swine, sheep, goats, farmed cervidae, horses, bison, mules, or other equines, llamas, poultry and/or ratitae.

Custom Processing. “Custom processing” means slaughtering, eviscerating, dressing, or processing an animal or processing meat products for the owner of the animal or of the meat products, if the meat products derived from the custom

operation are returned to the owner of the animal. No person may sell, offer for sale, or possess with intent to sell meat derived from custom processing except in conformance with this Ordinance.

Custom Processor. “Custom processor” means a person who slaughters animals or processes non-inspected meat (*not under continuous inspections by either the MN Dept. of Agriculture or US Dept. of Agriculture for slaughter house activities*) for the owner of the animals, and returns the majority of the meat products derived from the slaughter or processing to the owner. “Custom processor” does not include a person who slaughters animals or processes meat for the owner of the animals on the farm or premises of the owner of the animals.

Meat Food Product. “Meat food product” means a product usable as human food, animal foods, or fertilizer and made wholly or in part from meat or a portion of the carcass of animals.

Place of Business. “Place of business” means every location where food or food items are manufactured, processed, sold, stored, or handled, including buildings, sites, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Sell or Sale. “Sell” or “sale” includes the keeping, offering or exposing for sale, use, transportation, transferring, negotiating, soliciting, or exchange of meat or meat food products, or the having in possession with intent to sell, use, transport, negotiate, solicit or exchange the same and the storing or carrying thereof in aid of traffic therein, whether done or permitted in person or through others.

Slaughter House. “Slaughter house” means any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

Subdivision 3: Regulations.

1. No person may, with respect to any animal or meat food product, slaughter any animal or prepare an article that is usable as human food, at any establishment or place of business within Sherburne County except in compliance with this Ordinance. Additionally, no person may operate any slaughterhouse or custom processing activity except in compliance with this Ordinance.
2. The operation of a slaughterhouse or custom processing activity is allowed as an interim use only in the Heavy Industrial, Industrial, and Commercial Zoning Districts. All such uses must, however, be in strict conformance with all Federal and State laws for the operation of such facilities. The following

are conditions to govern slaughterhouse and custom processing activities in Sherburne County.

- a. Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound associated with the slaughter to the outside.
- b. The transport of animals and by-products from the slaughter or to support the business shall be pursuant to the conditions set forth in the Interim Use Permit issued by Sherburne County.
- c. Off street parking sufficient to handle all customers, employees, trucks or transport vehicles shall be provided. Parking for all traffic utilizing the business shall be provided for on-site and off public roads, and other easements.
- d. The applicant shall provide a traffic impact analysis.
- e. The main entrance to the facility must be located on a state highway, county road, or township road. Access shall not be permitted through a residential area.
- f. The site must be served by an approved On-Site Sewage Treatment System. Disposal of waste shall be in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides and bones.
- g. The facility must have all necessary federal, state and county licenses and approvals, and comply with all state and federal health and safety regulations.
- h. The maximum area (indoor, outdoor or combination thereof) for the keeping or slaughtering of animals shall not exceed sixty percent (60%) of the individual lot or parcel site. The Interim Use Permit will limit the number of animals for the keeping or slaughtering.
- i. The facility hours of operations shall be pursuant to those set forth in the Interim Use Permit issued by Sherburne County.
- j. Exterior storage areas, including animal storage areas, and vehicle and trailer storage, shall be fenced and screened from adjacent property and public rights of way. Fencing shall be sufficient to provide adequate screening and contain animals securely on the owner's property at all times.

- k. Animals shall be enclosed in gated enclosures with a minimum height of six (6) feet.
 - 1. Manufactured steel pipe panels shall have a minimum pipe diameter of two (2) inches and shall have a minimum of six (6) horizontal pipes.
- l. Live animals may be held on the site for no more than twenty-four (24) hours.
- m. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor as approved by Sherburne County.
- n. The permit shall be subject to a facility management plan, waste handling plan, site plan, and noise and odor control plan approved in writing by the Sherburne County Zoning Department.
- o. All exterior structures and improvements or fences for the keeping or confinement of animals shall meet all setbacks as defined by the Sherburne County Zoning Ordinance.
- p. All loading and unloading areas shall be screened from view from adjacent properties and public streets.

Subdivision 4: Permitted Uses

- 1. Said provisions of Subdivision 3 will not apply in the following cases unless such activity is of a level, nature or scope that a permit, license, or other approval from federal state, or local unit of government is needed. In the event that such approval is warranted, then the provisions of Subdivision 3 shall apply and a Conditional Use Permit shall be required:
 - a. On parcels of land at least 40 acres in size located in the County's Agricultural District, and or in the General Rural Zoning District, the following may be undertaken as a permitted use:
 - 1. The processing by a person of the person's own animals and the owner's preparation and transportation in intrastate

commerce of the carcasses, parts of carcasses, meat, and meat food products of those animals exclusively for use by the owner and members of the owner's household, non-paying guests, and employees, or to the custom processing by a person of animals delivered by the owner for processing. (Reference Minnesota Statutes Section 31A.15, Subd. 1(1) and (2).)

- b. The butchering, slaughtering or processing of any wild game taken by permit issued by the Minnesota Department of Natural Resources, or on Private Game Farms, is a permitted accessory use in all zoning districts of the County.

Subdivision 5. State and Federal Licenses or Permits. No person shall operate a slaughterhouse or custom processing facility unless that person has first obtained any required State or Federal licenses or permits.

Subdivision 6. If any portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Subdivision 7. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

SECTION 16.2 – INTERIM USE PERMITS

This section presents the conditions that must be met for each possible Interim Use listed in the various Zoning Districts.

The procedure for review and approval of an Interim Use Permit is presented in Section 18 of this Ordinance, Administration and Enforcement.

Subdivision 1: Authority:

No person or entity shall allow the existence of the following uses on lands that are partially or entirely owned, leased, or occupied by them without an Interim Use Permit (IUP), as listed in Subdivision 4 issued by the Sherburne County Board of Commissioners. Interim Uses must be consistent with the terms of the Interim Use Permit and any applicable local, state or federal law, rule or other statutory provision.

Under Minnesota Statutes, Sherburne County may approve an Interim Use Permit for a property if:

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; and
4. The user agrees to any conditions that Sherburne County deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

Subdivision 2: Permit Expiration and Transferability:

Any IUP issued under this Ordinance, with the exception of Solar Farms as cited in Sec 16.2, Subd 5, Item 20 E., is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- A. The sale of all or substantially all of the company assets;
- B. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded;
- C. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation;
- D. Execution of a management agreement; or
- E. The change of any officer or majority stockholder if the company is a closely-held corporation.

The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the County Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator and/or tax records indicating the use was inactive.

Subdivision 3: Process of Approval:

- A. **Application.** A complete IUP application shall comply with Section 18, subdivision 6 of the Zoning Ordinance.
- B. **Review of Applications.** Complete applications shall be reviewed by the Sherburne County Planning & Zoning Department in accordance with Mn Statute 15.99 as amended.
- C. **Public Hearing.** Complete applications shall be scheduled for a Public Hearing by the Planning Advisory Commission, and publicized according to Minnesota Statutes.

D. **County Board Approval/Denial.** After a public hearing has been held, the County Board shall approve, deny, or continue an IUP request, with written findings in support of their decision.

E. **Compliance.** Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.

F. **Fees.**

The applicant shall pay all IUP and recording fees as determined by the County Board in the Fee Ordinance. All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, non-refundable. As a condition of approval of the IUP, the County Board may require an additional annual Inspection Fee as stated in the Fee Ordinance. The Annual Inspection Fee shall cover the cost of County Staff or their agent to inspect the property as required within the IUP's conditions of approval.

Subdivision 4: List of Interim Uses:

1. Activities Requiring Rural Isolation
2. Asphalt & Concrete Mixing Plants, Portable
3. Auction Business
4. Automobile mechanical and / or body repair shop
5. Bed & Breakfast
6. Business selling vehicles, boats or farm implements
7. Campgrounds, Recreational
8. Contractors' Yard
9. Home Business in an Accessory Building
10. Manufactured Home, Farm Related (temporary seasonal),
11. Manufactured Home, Farm Related (temporary year-around)

12. Manufactured Home (temporary), for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption
13. Miniature golf Course / archery / Driving Range
14. Mining
15. Occasional Special Event
16. Planned Unit Development (Highway)
17. Recreational activity
18. Rural Tourism
19. Seasonal or temporary businesses
20. Slaughterhouse activities (see Section 16.1)
21. Solar Farm
22. Temporary Tire and/or Waste Collection and/or Recycling Operations
23. Temporary Start-Up Business
24. Temporary Use by Government Entities
25. Used vehicle parts or scrap material yard
26. Yard Waste Composting

Subdivision 5: Conditions:

1. **Activities Requiring Rural Isolation**, provided:
 - A. The site must have frontage on a hard surface public road unless access via a gravel road is approved by the Township.
 - B. A certificate of insurance is submitted to the County.
 - C. The facility shall provide adequate restroom facilities as determined by the IUP.

- D. The IUP may restrict the number of people who may use the property at any given time.
2. **Asphalt & Concrete Mixing Plants, Portable**, provided:
- A. The plant and equipment must be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.
 - B. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.
 - C. All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.
 - D. Hours of operation shall be 6:00 am to 6:00 pm Monday through Saturday unless otherwise required in the IUP based on noise, traffic and air control mitigation measures.
 - E. Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary sources of aggregate used in the plant.
3. **Auction Business**, provided:
- A. The entire operation takes place on ten (10) acres or more.
 - B. The applicant shall demonstrate adequate on-site parking and restroom facilities.
 - C. Goods to be auctioned may be displayed outside in a secured area two (2) weeks prior to the auction, and must be removed from outside within two (2) weeks after the auction unless otherwise required by the IUP.
 - D. All signage shall comply with Section 17, Subdivision 1 of the Zoning Ordinance.
4. **Automobile Mechanical and/or Body Repair Shops**, provided that all storage of vehicles with damaged body parts is screened from view as required in Section 17, General Development Regulations, of this Ordinance.
5. **Bed & Breakfast**, provided;

- A. The facility may have no more than eight (8) guest rooms, used by temporary guests.
 - B. The owner or caretaker shall live in the facility during normal operations.
 - C. Banquets, weddings, commercial meetings, luncheons, and similar activities serving more than ten (10) guests may require an IUP for “An Occasional Special Event” unless otherwise permitted by the IUP conditions.
 - D. Rooms used for sleeping shall be part of the primary residential structure. The facility shall have a minimum of one (1) parking stall per guest room, and two (2) parking stalls for staff. All parking shall be off-street.
 - E. There may be one non-illuminated sign totaling not more than 12 sq ft in size, located on the property, but outside of the public right-of-way.
6. **Businesses Selling Vehicles, Boats, or Farm Implements** provided:
- A. No item shall be parked on any required parking or driveway setback.
 - B. Other requirements normally applying to commercial development are followed.
7. **Campgrounds, Recreational**, provided:
- A. The campground shall be seasonal, and shall not be in use from November 1st through May 1st. Areas within a floodplain shall not be in use from October 1st through May 1st. Campgrounds shall comply with all local, state, and federal rules and regulations.
 - B. The campground owner/operator shall provide an operational plan, to be approved by the County Board. In addition to addressing the provisions listed in this section, the operational plan shall include the calendar months of the year which the campground will operate, the maximum number of camping sites including the type of site (i.e. primitive tent camping, RV full hook-ups, etc).
 - C. The campground owner/operator shall obtain a primary or annual license from the Mn Department of Health in compliance with Minnesota Statutes, prior to recording of the IUP and shall submit a copy of the license to the County.

- D. All overnight guests of the campground shall register their names, permanent address(s), make and model of vehicle(s), and license plate number(s). The campground owner/operator shall retain this registration log for at least one-year, and shall be made available to law enforcement officials upon request.
- E. Campgrounds shall provide a caretaker or attendant who shall maintain all facilities in a clean, orderly and sanitary condition. The caretaker or attendant shall be readily available at all times in case of an emergency.
- F. The storage, collection, and disposal of refuse and garbage in a recreational campground shall be so conducted as to not create a health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites. Refuse and garbage collection shall be made at least twice each week and more often when necessary to prevent nuisance conditions.
- G. Campgrounds shall have a Grading and Drainage Plan approved by the Township Engineer or licensed engineer.
- H. Wells and septic systems shall comply with Mn Department of Health and MPCA regulations.
- I. Campgrounds shall have an adequately sized severe weather shelter(s) on-site, as approved by the Building Official. Temporary campgrounds established as emergency housing in a disaster area as declared by the Governor or President of the United States may be exempt unless its use exceeds a period of 18 months.
- J. Campgrounds shall provide an evacuation plan in case of severe weather, flood, fire, or other disaster, as approved by the Sherburne County Emergency Management Director, and shall be provided to campers at the time of registration.
- K. All livable structures (i.e. RV's, park trailers, etc) must be road ready, licensed (if applicable) and able to operate on their own power, or towed on public roads in a legal manner.
- L. The Campground owner shall maintain streets and roadways in the campground so as to permit passage of emergency vehicles and reverse maneuvering of recreational vehicles.

- M. Each RV site shall be a minimum of 16' in width and 70' in depth (minimum area of 2,000 sq ft per RV site) to accommodate an RV and secondary vehicle.
 - N. Each tent site shall be a minimum of 10' wide and 30' in depth and accommodate the structure and one parking space.
 - O. On site toilets, bathing, and laundry facilities shall comply with state rules and statutes.
 - P. All dead storage fish houses must be accessible to emergency vehicles.
 - Q. All campsites shall comply with applicable DNR setbacks for permanent and temporary structures, and recreational vehicles.
 - R. No permanent structures shall be permitted within a Floodway.
 - S. No domestic animals or pets of occupants of the campground may run at large, or be a public nuisance.
8. **Contractors' Yard**, provided:
- A. Classification of Contractor's Yard Small, Medium, and Large is provided:
 - 1. Small Contractor's Yard.
 - a. The parcel is a minimum of:
 - i. 2.5 acres in the General Rural Zoning District and homesteaded by the applicant.
 - ii. 5 acres in the Agricultural Zoning District and is homesteaded by the applicant.
 - b. There may be a maximum of four (4) licensed motorized or non-motorized vehicles associated with the Contractor's Yard (includes trucks and trailers). Equipment stored on vehicles or trailers are excluded.
 - c. There may be only of 2 (two) employees (full-time and part-time) reporting to the parcel other than a family member residing on the property. This includes employees who are on-site only to pick up and drop off equipment and materials.
 - d. Exterior storage of equipment, business supplies or waste material is prohibited except for the permitted commercially licensed vehicles.

- e. Setbacks:
 - i. Agricultural Districts, the contractor's yard and all related uses must be setback a minimum of 50ft from all property lines.
 - ii. General Rural Districts, the contractor's yard and all related uses must be within the permitted setbacks within the applicable zoning district as outlined in the Sherburne County Zoning Ordinance.

- 2. Medium Contractor's Yard.
 - a. The parcel is a minimum of:
 - i. 10 acres in the General Rural Zoning District
 - ii. Permitted on existing lot of record in the Industrial, or Heavy Industrial Zoning Districts.

 - b. There may be a maximum of twenty (20) commercially licensed motorized or non-motorized vehicles associated with the Contractor's Yard (includes trucks and trailers).

 - c. There may be a maximum of twenty (20) employees (FTE) working on-site. This includes employees who are on-site to pick up and drop off materials and equipment.

 - d. Setbacks:
 - i. General Rural Districts, the contractor's yard and all related uses must be setback a minimum of 150ft from all property line.

 - ii. Industrial and Heavy Industrial Zoning Districts, the contractor's yard and all related uses must be within the permitted setbacks within the applicable zoning district as outlined in the Sherburne County Zoning Ordinance.

- 3. Large Contractor's Yard.
 - a. Property must be in the Industrial and Heavy Industrial Zoning Districts or Highway PUD zoning districts.

 - b. The maximum number of commercially licensed motorized or non-motorized vehicles (includes trucks and trailers) associated with the Contractor's Yard shall be established through the Interim Use Permit.

- c. The maximum number of employees (FTE) working on site shall be established through the Interim Use Permit.
 - i. **Setback:** Industrial and Heavy Industrial Zoning Districts, the contractor's yard and all related uses must be within the permitted setbacks within the applicable zoning district as outlined in the Sherburne County Zoning Ordinance.
- B. The contractor's yard may not be located within the Shoreland District or the Floodplain District.
- C. The contractor's yard must abut a hard-surface public road unless access via a gravel road is approved by the Township.
- D. All outside storage shall be adequately screened from existing or proposed residential areas by fence, wall or vegetated earth berm.
- E. Applicants shall include the following information with their IUP application:
 - 1. A written description describing the proposed contractor's business and activities conducted on-site, including the following:
 - a. The number of employees (full-time and part-time) reporting to the contractor's yard.
 - b. The type and amount of equipment stored on-site.
 - c. The type and amount of vehicles, materials and supplies stored on-site.
 - d. If, how, and where vehicles and equipment will be maintained on-site.
 - 2. A survey or aerial photo showing the following:
 - a. Parcel acreage.
 - b. Location and dimensions of all existing and proposed buildings on the property.
 - c. Location and dimensions of existing and proposed outdoor storage areas.
 - d. Location and details of existing and proposed screening.

- e. Location and distance of neighboring residences.
 - f. Location of well, septic or other sanitary facilities on-site.
 - F. All outside storage shall be screened from residential areas.
 - G. If located in the General Rural or Agricultural District, there may be a maximum of two (2) employees (FTE) working on-site other than a family member residing on the property. This does not include employees who are on-site only to pick up and drop off equipment and materials.
 - H. Applicants shall include the following information with their IUP application:
 - 1. A written description describing the proposed contractor's business and activities conducted on-site, including the following:
 - a. The number of employees (full-time and part-time) reporting to the site
 - b. The type and amount of equipment stored on-site
 - c. The type and amount of materials and supplies stored on-site
 - d. If, how, and where equipment will be maintained on-site
 - 2. A survey or aerial photo showing the following:
 - a. Parcel acreage
 - b. Location and dimensions of all existing and proposed buildings on the property
 - c. Location and dimensions of existing and proposed outdoor storage areas
 - d. Location and details of existing and proposed screening
 - e. Location and distance of neighboring residences
 - f. Location of well, septic or other sanitary facilities on-site.
9. **Home Business in an Accessory Building**, provided:

- A. The business must be located on the homesteaded property of the business owner.
 - B. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.
 - C. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
 - D. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
 - E. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
 - F. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
 - G. The County may limit the daily hours of operation.
 - H. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.
 - I. The applicant and/or property owner shall permit the County to inspect the property at anytime.
10. **Manufactured Home, Farm Related (Temporary Seasonal)**, provided:
- A. The owner/applicant can demonstrate a need for the permit.
 - B. A maximum of three manufactured homes may be located on each farming operation. A farming operation includes all lands under common/joint ownership used predominately for labor intensive agricultural purposes.
 - C. Farming operations shall have a minimum of 80-acres of land, or if less must demonstrate that there is no local housing available for seasonal workers.

- D. The length of time the temporary residence shall be occupied is limited to the needs of the farming operation and allowed only from April 15th through November 1st. The manufactured home shall be occupied by farm workers only.
 - E. The total number of occupants in any one manufactured home does not exceed the Code of Federal Regulations 3280.109 as amended, regulating the number of persons per sq ft of bedroom.
 - F. The employer and employees are in compliance with all applicable state and federal labor laws.
 - G. The manufactured home is connected to an on-site septic system, in accordance with Section 17 (General Regulations) of this ordinance.
 - H. An escrow is issued in the name of Sherburne County, payable to Sherburne County, for the sum of \$5,000 which may be drawn down by the County in its sole discretion for purposes including but not limited to cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.
 - I. All solid waste generated by the occupants shall be disposed of properly, in accordance with the Solid Waste ordinance.
11. **Manufactured Home, Farm Related (Temporary Year-Around), One** manufactured home may be temporarily located on a property in addition to a permanent home, provided:
- A. The residents' income is derived in part from the farmstead of which the manufactured home is intended to be located, or that the majority income of the occupant or owner is derived from past association with the farmstead;
 - B. An escrow is issued in the name of Sherburne County, payable to Sherburne County, for the sum of \$5,000 which may be drawn down by the County in its sole discretion for purposes including but not limited to the cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.

- C. The manufactured home is connected to an on-site septic system, in accordance with Section 17 (General Regulations) of this ordinance.
 - D. Travel trailers, recreational vehicles or any other type of vehicle modified for living space shall not be used as a permanent structure and shall not be connected in any fashion to existing water and septic systems for the purpose of erecting a permanent structure. For the purposes of this section, a Permanent Structure is any trailer or vehicle that is used between November 1st and May 1st of the following year.
12. **Manufactured Home (temporary), for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption** provided:
- A. The manufactured home is to be located on a parcel of at least five acres with one permanent dwelling. The occupant(s) of either the manufactured home or the permanent dwelling must be: 1) the parent(s) or grandparents of the occupant of the other residence or, 2) a child, sister or brother who suffers from a full or total disability as classified by Social Security, Worker's Compensation or a Doctor, and who resides in or will reside in one of the residences.
 - B. The applicant shall submit with the application and annually thereafter, a signed statement certifying that the occupant of the manufactured home is a parent, grandparent, child, sister or brother who suffers a full or total disability as classified by Social Security, Worker's Compensation or a Doctor. The statement shall describe the need that makes it necessary for parents, grandparents or relative of the first degree to live on the same parcel with the children or grandchildren or a release that will allow the Zoning Administrator or his/her designee to verify the disability.
 - C. The manufactured home shall be removed from the site within 120 days of such time as it or the permanent residence ceases to be occupied by a parent, grandparent, child, sister or brother.
 - D. The manufactured home shall not be made a permanent structure.
 - E. The manufactured home shall not require the creation of a separate well.
 - F. An escrow is issued in the name of Sherburne County, payable to Sherburne County, for the sum of \$5,000 which may be drawn down by the County in its sole discretion for purposes including but not limited to cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal

property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.

- G. An on-site sewage system to serve the manufactured home can be installed in accordance with Section 17.5 of this Ordinance.

13. **Miniature golf course / archery / driving range**

14. **Mining.** The permit shall be issued only upon findings that there is no substantial environmental impact or that such impact will be alleviated through a restoration program and other condition of the permit and that the activity will have no substantial adverse impact on surrounding property or that such impact will be alleviated through the conditions of the permit. Each permit shall contain the following minimum standards unless modified by the Planning Commission, and all activities shall conform to these and any additional standards:

- A. General Operating Requirements must address operating hours, dust control, housekeeping, and safety.
- B. Minimum Requirements for the mining operation:
 - 1. No non-granular material shall be removed unless the permit is specifically for such an operation.
 - 2. Vertical faces shall be kept to a minimum except during active mining.
 - 3. Mining shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.
 - 4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
 - 5. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
 - 6. Excavation or grading that disturbs an area greater than one (1) acre in size shall submit a National Pollutant Discharge Elimination System Plan (NPDES), and a Storm Water Pollution Prevention Plan (SWPPP) from the MPCA. The applicant shall

submit a copy of the NPDES and SWPPP permits to the County prior to any excavation.

- C. The following information shall be provided by the person or agency requesting the permit:
1. Name and address of person or agency requesting the mining permit.
 2. The legal property description and acreage of area to be mined.
 3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates with all the information contained in Maps A, B & C. listed below.

Map A - Existing conditions to include:

- a. Contour map, with two (2) foot intervals
- b. Existing vegetation
- c. Wetlands and existing surface water drainage patterns
- d. Existing structures
- e. Existing wells

Map B - Proposed Operations to include:

- a. Structures to be erected
- b. Location of a permit, accessible and visible bench mark elevation in the vicinity of the mining boundary
- c. Location of sites to be mined showing depth of proposed excavation
- d. Location of any open water
- e. Setback line for property lines and ordinary high water

levels of public waters

- f. Location of storage of mined materials, showing maximum height of storage deposits
- g. Location of vehicle parking, access roads and local routes to truck routes
- h. Staging of mining activity
- i. Resource management plan

Map C - End Use Plan to include: The following information shall be provided by the person or agency requesting the permit:

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals
 - b. Location and species of vegetation to be replanted
 - c. Reclamation staging plan
 - d. Proposed land use and development plan.
- D. Haul Route Plan. A plan shall be submitted for approval showing the public roads on which trucks will carry material from the site along with a schedule and means of cleaning the public roads of lost material.
- E. Restoration. All permits shall contain a restoration plan providing for the reuse of the land after resource exhaustion. The permittee is responsible for restoration. The following are the minimum standards for restoration:
- 1. All areas where the resource is exhausted and not needed for other operations shall be restored at the completion of mining. The entire area shall ultimately be restored.
 - 2. All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth.
 - 3. Grading standards:
 - a. Final grades shall be in conformity with the topography of the surrounding land.

- b. If the land is to be restored to crop production, no slope shall exceed 20 percent (5:1 slope).
 - c. If the restoration is not for crop production, no grade shall exceed 33 percent (3:1 slope).
 4. All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production. The permit may require a reforestation plan. Reforestation requirements shall be based on the recommendation of the Soil and Water Conservation District and/or the County Forester.
 5. Standards III and IV above may be raised or modified to accommodate a specific reforestation plan.
 - F. Performance Securities and Insurance.
 1. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.
 2. A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after non-renewal of the permit and failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.
15. **Occasional Special Event** under the following conditions:
- A. An application is submitted which includes the following:
 1. A plot plan showing:
 - a. Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.

- b. Location of any temporary buildings, stockpiled materials, and or industrial equipment.
 - c. Location of storage area for equipment.
 2. A letter giving an in depth description of the proposed operation. Said letter should contain at a minimum:
 - a. The number of employees reporting to the site.
 - b. Plans for traffic control.
 - c. A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - d. Plans for provision of sanitary facilities such as portable toilets for workers and attendees.
 3. The Sherburne County Board of Commissioners approves the application.
16. **Planned Unit Development (Highway)** for land use adjacent to a major highway (Minnesota or US Highways) where the location is found to be appropriate for business oriented uses, and the preservation of future road right of way, and/or other land use is necessary to meet the goals of the Sherburne County Comprehensive Land Use Plan, as well as the County and State Transportation Plans, provided that:
 - 1) The types of businesses and mixed uses may be limited and will be at the discretion of the local township and County Board. The use(s) should be those that will serve the local marketplace, will be compatible with the existing surrounding uses in the underlying zone and are permitted uses under the commercial, industrial (not Heavy Industrial) and Urban Expansion districts. The uses should promote the goals and policies of the Comprehensive Land Use Plan.
 - 2) A site plan that follows the General Development Regulations shall be submitted with the CUP application. The site plan shall illustrate appropriate areas for buildings, screening, lighting, parking, drainage, sewer site and landscaping. Performance and architectural standards may be required for approval.

- 3) The lot size for all platted lots, and outlots, must be a minimum of 22,500 square feet. Sherburne County may grant flexibility in lot sizes and dimensional regulations in order to help preserve future road right of way.
 - 4) Plat applications shall follow the standard plat procedures set forth in the Subdivision Ordinance. Lots that have not been defined for a specific use under the conditional use permit shall remain as outlots until their allowed uses have been determined.
 - 5) A developer's agreement must be signed with the township and/or the County as specified in the conditional use permit.
 - 6) Sherburne County may regulate the number of highway accesses and the location of future road right-of-way and natural highway buffers in order to help meet local and state transportation plans. Future highway right of ways shall be preserved by platting and dedicated as public right of way on the final plat. Access permits from Minnesota Department of Transportation and/or Sherburne County Public Works must be obtained prior to County Board approval.
17. **Recreational Activities** conducted on a permanent, seasonal or scheduled basis subject to the following criteria:
- A. A certificate of insurance and/or a performance surety may be required.
 - B. Sanitary facilities shall be installed as judged necessary by County staff.
 - C. An operational plan approved by the County staff is established and all activities are conducted in accordance with the operational plan.
 - D. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - E. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the County Board.
 - F. The permit shall be subject to annual administrative renewal.
18. **Rural Tourism** shall include things such as farm or other historical heritage attractions, single family residential properties for day retreats, crafting parties, weddings, receptions, hay rides, corn-mazes and holiday celebrations or similar rural

uses.

A. Standards. Rural Tourism businesses shall meet the following standards:

1. A Rural Tourism businesses shall be located on properties within the General Rural Districts.
2. A Rural Tourism business shall be located on a metes and bounds parcel of at least 5 acres in size and is homesteaded by the applicant.
3. Any new buildings must be setback 50 ft. from side and rear lot lines.
4. Rural Tourism business may not be located within ¼ mile of 10 residences.
5. Rural Tourism shall be limited to no more than 300 guest/visitors at one time.

B. Submittal Information. In addition to submittal requirements set forth in Section 18 (Administration and Enforcement), Subdivision 6.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:

1. Site plan drawn to an appropriate scale for effective interpretation.
2. Property boundaries, access roads (public and private), and proposed onsite parking areas that complies with Section 17 (General Development Regulations), Subdivision 2 (Parking and Loading Regulations).
3. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
4. Existing and proposed structures listed for each building where guests will have access and the maximum capacity for each structure as required to comply with building code and applicable fire safety requirements.
5. Location of temporary toilet facilities, which may be required.
6. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS). Number of bathrooms in existing buildings must ensure public restrooms comply with the Americans Disability Act.
7. A written description of the planned activities including maximum number of guests/visitors.
8. Frequency and number of activities proposed in a calendar year. Days of week and hours of operation proposed.

9. Hours of Operation/Activity including set-up/clean-up for activities and events.
 10. Description of any proposed outdoor activities including but not limited to: placement of temporary tents, public address system and amplified music.
 11. Proposed site lighting and landscaping.
 12. Anticipated maximum number of vehicle trips per day which would include arriving and leaving the site.
- C. Conditions. In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria included in Section 18 (Administration and Enforcement), Subdivision 6.4 (Interim Use Permit, Findings), the following items shall be considered by the Planning Advisory Commission and County Board when reviewing an Interim Use Permit Application for Tourism:
1. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.
 2. The County must consider the character of the neighborhood and traffic quantity when determining the maximum capacity of people allow and the type of activity generated by the business and the amount of parking required.
 3. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property.
 4. Driveway access location and any road upgrades required must be approved by the road authority prior to County Board approval.
 5. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
 6. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.

7. Subsurface Wastewater Treatments Systems (SSTS) which is subject to a change in occupancy or gallon per day loading as a result of an approved interim use permit shall be retrofitted and/or upgraded to conform to current code requirements.
 8. All existing buildings or proposed buildings to be used in association with the business shall be certified by an architect or engineer to be in compliance with current structural building and electrical standards for new occupancy prior to any use of the structures.
 9. There may be one sign totaling not more than 12 square feet in size, located on the property and outside the public right of way.
 10. Outside, activities must be completed during daylight hours. Inside activities must be completed by 11:00 p.m.
 11. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
 12. The owner will maintain a log of the activities occurring onsite that includes activity/event dates, group identity, times and number of guests.
 13. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved interim use permit.
19. **Seasonal or Temporary Businesses**, provided:
- A. A plan for operations and schedule is submitted and approved by the County Planning Commission.
20. **Slaughterhouse activities** (see Section 16.1)
21. **Solar Farm**
- A. A Solar Farm shall be prohibited in the following areas:
 1. On parcels less than 5 acres in size.
 2. Baldwin Township: areas within ½ mile of TH 169.
 3. Big Lake Township: areas within ½ mile of TH 10 and in all Sections 23, 24, 25, 26, 35 and 36 Township 33, Range 28 and Section 27, 28, 29, 30, 31, 32, 33 and 34 Township 33, Range 27 north of CSAH 14.

4. Livonia Township: areas within ½ mile of TH 169.
 5. Shoreland Districts designated by the Department of Natural Resources;
 6. Within wetlands to the extent required by the Minnesota Wetlands Conservation Act.
 7. Within the Mississippi and Rum Scenic, Recreational River, and Special Use Districts.
- B. Solar Farms shall be setback a minimum of 50' from a side/rear property line, and shall comply with all other structural setbacks within the underlying zoning district.
- C. In addition to items required by this Ordinance and on the IUP application form, the following items must be submitted with the IUP application:
1. Site Plan. A detailed site plan for both existing and proposed conditions must be submitted, showing the location of all areas where solar energy systems are to be placed, existing and proposed structures, property line, surface water drainage patterns, floodplains, delineated wetlands, toe and top of bluffs, ordinary high water mark and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County.
 2. Natural Resource Impact Assessment. For Solar Farms with a project size exceeding ten (10) acres, the applicant must provide a Natural Resource Impact Assessment. The assessment must address impacts of the project (construction and maintenance phases) to natural resource, defined as natural vegetation, native plant communities, soils, surface waters, wetlands, wildlife and nongame species, and fisheries. The assessment must include a review of the Minnesota DNR Natural Heritage Information System (NHIS) to determine if any rare species or rare natural resource features are located in proximity to the project.
 3. Glare Study. Solar Farms utilizing a reflector system shall conduct a glare study (US Dept. of Energy's Solar Glare Hazard Analysis Tool) to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half mile of the project boundary.

4. Agricultural Impact Assessment. If a Solar Farm is proposed to be located on existing agricultural land, the applicant must provide an agricultural impact assessment, which shall include:
 - a. The total number of acres of Prime Agricultural Soils (as defined in the USDA National Soil Survey Handbook, Part 622.03(a1) or its successor) to be impacted.
 - b. The total number of acres of actively farmed land to be impacted.
 - c. Whether the property has an existing irrigation system that will be removed.

5. Aviation Analysis. If the project is within the Princeton Municipal Airport Airspace Zoning Plan (1977), or within the St. Cloud Municipal Airport Zoning Ordinance (1977) or St. Cloud Regional Airport Safety Zone A, B, or C, or within 2 miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. If the SGHAT indicates a completion of an Air Space Case Analysis (Form 7460), the applicant must complete the form and provide the results.

6. Decommissioning Plan. A decommissioning plan shall be required for solar farms to ensure that facilities are properly removed after the expiration of the IUP, or, if earlier, after the useful life of solar panels and other facilities. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, equipment and power and communication lines, restoration of soil and vegetation to its pre-developed condition, and a financial guarantee ensuring that financial resources will be available to fully decommission the site. The County Board may require that the applicant provide a bond, letter of credit, escrow or other financial security in a form and amount set by the County Board, naming the County as obligee.

7. Other Standards and Codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards for solar energy systems.

8. Power and Communication Lines. Except for power and communication lines that are defined in this Ordinance as Essential Services, all power and communication lines, including those running between banks of solar panels and to electric substations or interconnections with buildings, shall be buried underground. Exemptions may be granted by the Zoning Administrator in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation reasonably precludes burial.
 9. Screening. Vegetative screening such as coniferous trees a minimum of 6' in height or an alternative approved by the Zoning Administrator, shall be installed around the perimeter of the Solar Farm at the time the Solar Farm is installed. The County Board may require that the applicant provide financial security in a form and amount set by the County Board, for the purpose of providing a financial guarantee for a minimum 1-year survival of the vegetative screening.
- D. Solar Farms shall comply with Section 17, Subd 17 (General Regulations, Solar Energy Systems and Solar Farms) of this ordinance.
- E. Notwithstanding the prohibition against transferring an IUP in Subdivision 2 of this Section 16.2, the applicant and/or business entity that is granted an IUP for a Solar Farm pursuant to this Ordinance may transfer the IUP through a change in ownership or control of the applicant and/or business entity (as defined in Subdivision 2) without applying for a new IUP, so long as the applicant and/or business entity meet the following conditions:
1. The applicant and/or business entity are in full compliance with all the terms and conditions set forth in the IUP;
 2. The applicant and/or business entity provides a 30 day prior written notice of the change in ownership to the Zoning Administrator by certified letter, which shall include the timeline for when the change will occur and to whom the ownership will transfer; and
 3. Demonstrate that the transfer shall not affect the financial security as required by the County Board and set forth in the conditions of the IUP when it was approved.

This provision allowing for a change in ownership or control shall not permit the applicant and/or business entity to transfer the IUP to a separate entity without submitting a new IUP application for a Solar Farm as required by Section 16.2 Subdivision 2.

22. **Temporary Tire and/or Waste Collection and/or Recycling Operations**, provided:
- A. Adequate parking and restroom facilities shall be provided.
 - B. A mitigation plan is submitted, controlling water pollution, air pollution, traffic, litter, odors and noise.
 - C. Events held by governmental entities are exempt from obtaining an IUP.
23. **Temporary Start-Up Business**, provided:
- A. The business must be located on the homesteaded property of the business owner if located within the Agricultural, General Rural, or Urban Expansion districts.
 - B. The business shall be compatible with the neighborhood, and not create a nuisance.
 - C. The business may be permitted through an IUP for a period no longer than three years, after which time the IUP shall expire, and is not renewable or transferable. At the time of expiration, all business activities must end, and business related vehicles, equipment, and materials must have been removed from the property.
 - D. The business is located on a minimum of five (5) acres.
 - E. Days and hours of operation shall be determined by the County Board.
 - F. The maximum number of employees (FTE) working on-site shall be determined by the County Board.
 - G. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.

- H. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
 - I. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
 - J. The applicant and/or property owner shall permit the County to inspect the property at anytime.
24. **Temporary Use by Government Entities** under the following conditions:
- A. An application is submitted which includes the following:
 - 1. A plot plan showing the location of the temporary use and any temporary structures, parking areas, etc.
 - 2. A cross-section sketch of the proposed work if applicable.
 - 3. A construction erosion control plan.
 - 4. A drainage and restoration plan for a use permitted in the District.
 - 5. A letter giving an in depth description of the proposed operation. Said letter should contain a minimum:
 - a. The number of employees reporting to the site.
 - b. Plans for traffic control at the temporary site and in the location of the project if at a location other than the site.
 - c. A discussion of parts of the operation that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - d. Plans for provision of sanitary facilities for workers.
25. **Used Vehicle Parts or Scrap Material Yards (Junkyard)**, means an establishment or place of storage and deposit which is maintained, operated, or used for storing, buying or selling junk, or for the maintenance or operation of an automobile graveyard, at which the waste, vehicle body, or discarded material

stored is equal in bulk to three or more motor vehicles; provided that the County Planning Commission reviews and approves plans for site planning, pollution prevention, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.

26. Yard Waste Composting

A. Composting of grass clippings and leaves would be allowed as an Interim Use Permit provided the following requirements can be met:

1. Drop-offs are allowed from commercial business and / or licensed haulers. If government entities or citizen drop-offs are allowed, additional conditions will be required for security, and removal of separate waste streams.
2. Only leaves, brush and grass clippings can be accepted at the site.
3. Must obtain a County Solid Waste Facility License Agreement for the operation of a Yard Waste Compost Facility.
4. Cannot be located in a platted development or within 1000 feet of a platted development.
5. Must be located at least 1000 feet from the nearest residence.
6. The site may not be located within the Shoreland District or the Floodplain District.
7. The site must be located on a hard-surface public road unless access via a gravel road is approved by the Township.
8. All outside storage shall be screened from residential areas.
9. The number of employees (full-time and part-time) reporting to the site.
10. All material must be removed prior to transfer or sale of property.
11. Material must be removed prior to the end of the permit.
12. The compost site shall not be greater than 10,000 cubic yards in size.
13. A sunset date shall be set with each permit issued.

- B. Must submit the following with the application:
1. Aerial photo showing property lines, roads, area for compost, proposed location of final compost product, structures.
 2. Provide an operational plan that would include security plan, hours and days of operation, written description of how residual MSW (petroleum based yard waste bags) brought to the site will be removed, how many trucks are anticipated to bring grass clipping and leaves to the site and assumed route and means of cleaning the public roads of lost material.
 3. Explanation of all equipment to be used on-site.
 4. Total amount of materials anticipated to be composted annually.
 5. Explanation of end use of product. Will it be available for public to buy on-site or sold to commercial operations?
 6. State the separation to groundwater from where the compost piles will be located.
 7. Location and dimensions of existing and proposed outdoor storage areas.
 8. Location and details of existing and proposed screening.
 9. Location and distance of neighboring residences.
 10. Location of well, septic or other sanitary facilities on-site.

SECTION 16.5 - GENERAL STANDARDS FOR COMMUNICATION TOWERS

Subdivision 1: Purpose and Intent

The purpose of the provisions on communication towers is to:

- a) accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community;
- b) minimize any adverse visual effects of towers through careful design and siting standards;
- c) to ensure a reasonable separation from this commercial use and existing residential homes;
- d) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
- e) maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community

Subdivision 2: Definitions

Antenna That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fibre, or other electronically conductive rods or elements. It includes, but is not limited to personal wireless service, microwave, radio and television broadcasting and transmitting and receiving and short wave radio equipment.

Antenna Support Structure Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of electromagnetic energy.

Camouflaged Tower a tower constructed to simulate a natural feature, such as a tree, thereby reducing the aesthetic impact to the surrounding area.

High power transmission line A 69kv or greater electric transmission line with towers a minimum of 75 feet in height.

Platted Land Lands with a legal description described as lot, block and plat name.

Public Land Land owned by Federal, State or local government, or other entities financed by public funds.

Residential area Shall include all platted land and land which has been legally subdivided into tracts less than ten acres for the purpose of residential use, where there are 24 homes or more within a quarter (1/4) mile radius of the proposed tower site.

Structure, Public An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.

Tower Any pole, spire, structure, or combination thereof, including supporting lines, cables, wire, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna. The height of a tower shall be measured from the base of the pole to the highest point. This definition excludes any towers that are less than 60 feet in height.

Tower Accessory Structure A structure located at the base of the tower housing base receiving/transmitting equipment.

Subdivision 3: General Requirements

- A. All communication facilities shall be in compliance with all Federal, State, and local building, electrical, and other relevant code requirements.
- B. No advertising message nor identification shall be affixed to any communication structure unless otherwise required by law.
- C. All obsolete and unused communication equipment shall be removed within twelve (12) months of cessation of use, unless a written exemption is granted by the Zoning Administrator. In the event that a tower is not removed within 12 months of the cessation of operations at the site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property. tower operators shall provide at the time of application, a copy of the lease or other instrument obligating them to remove the tower and associated facilities upon cessation of operations at the site.
- D. The addition of antennas and associated equipment of an additional provider to an existing legal structure shall be considered co-location and not require an amendment to the original conditional use permit. Any additions will require written notification to the County Zoning office.

- E. No land may be subdivided for the purpose of providing space for any antenna unless all lot size requirements for the relevant zoning district are met and subdivision approval is obtained.
- F. When the landowner applies for the permit, they must affirmatively state that the use is consistent with any land use restrictions that applies to the site.
- G. On a parcel of land zoned for agricultural or general rural, the minimum lot size shall be two and a half acres for construction of a tower over 35 feet in height. On a parcel of land zoned for commercial/industrial or heavy industrial purposes, the minimum lot size is that which is allowed for the zoning district.
- H. The tower location shall provide screening for off-site views of the facility. Associated base equipment must be located within a structure whenever possible, or housed at the base of the tower and screened from view for adjoining residents by fencing or landscaping . Tower accessory structures shall be constructed of materials designed to minimize visibility to surrounding areas. All accessory buildings must comply with the local building code requirements. The Planning Commission reserves the right to require design measures to camouflage facilities by integrating them with existing buildings and other existing uses. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- I. Towers and accessory structures shall be situated in the rear yard when located with another principal residential use, unless the Planning Commission finds that another location on the parcel is more appropriate.
- J. Only one communication tower is permitted on a parcel of land. All other standards contained in this ordinance must be met.
- K. Construction of the tower, accessory buildings, landscaping, requirement must be completed within one year of the issuance of the permit.
- L. Towers located within 5 miles of an FAA approved airstrip shall provide evidence of FAA consent and/or MnDot.
- M. The telecommunication company shall provide the County with evidence of insurance for one million dollars worth of coverage for personal or property damage.

Subdivision 4: Design Standards

- A. All towers shall be of a monopole design unless the Planning Commission or County Board deems that an alternative design is necessary or preferred due to the

topography or to better blend with existing structures, for safety reasons, or if necessary to allow co-location.

- B. The structural design, mounting, and installation of any antenna and support structure shall be in compliance with the manufacturer's specifications. The construction plans and design of any antenna requiring a permit shall be approved and certified by a registered professional engineer.
- C. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a 6 foot fence with three strands of barbed wire at the top with a locked gate.
- D. Antennas shall not be artificially illuminated unless required by FCC, FAA or any other governmental agency to protect the public health and safety. Antennas in the "Agricultural District" may be lighted to facilitate identification to low flying aircraft used for crop spraying.
- E. Antenna support structures under two hundred (200) feet in height shall be painted or coated silver or have a galvanized finish to reduce the visual impact, unless otherwise required by federal law or required by the County for easy identification in an Agricultural area for low-flying aircraft used for crop spraying. Silver or galvanized finishes shall be required unless the setting or natural surroundings can be used to justify another color. Metal towers shall be constructed of, or treated with a corrosive resistant material.
- F. All towers shall be constructed for co-location of at least one or two additional carriers, depending on the height of the tower, including but not limited to other personal wireless service companies, local police, fire, and ambulance companies. Towers shall be designed in all respects, to accommodate both the applicant's antenna and comparable antennas to allow for future re-arrangement of antennas. Support structures shall be designed to accommodate the following:

Structures from 100 to 125 feet- a minimum of one tenant beside the owner
Structures from 125 and higher - a minimum of two tenants besides the owner
- G. Towers located in the heavy industrial, industrial or commercial districts, where the tower is located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to fail or collapse within the distance between the tower and the property line. The application for any tower shall require the submittal of written documentation explaining tower construction and possible failure. At a minimum, the tower shall comply with the minimum setback requirement for the zone in which it is located. If the tower is located in a Heavy Industrial, Industrial or Commercial zone adjacent to any other district, the tower must meet a setback equal to the height of the tower plus an additional 20 feet from the property line abutting that zone. The setback requirement may be

waived, if it is necessary to allow continued operation of an existing farm irrigation system.

- H. Applicants of all towers shall be required to obtain a building permit from the Zoning Office regardless of whether the tower is a permitted use or a conditional use.

Subdivision 5: Co-Location Requirements

- A. A proposal for a new communication tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated:

1. on an existing or approved tower that is within the following minimum distance requirements between towers:

within a one mile radius of another over 120 feet tall;
within 1/2 mile radius for towers under 120 feet;
within 1/4 mile for towers under 80 feet; due to the following reasons:

- a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- b) The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost.
- c) Existing towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified engineer, regardless of whether its location is regulated by the County or adjacent municipality.
- d) In spite of its best efforts, the applicant was unable to obtain approval within 60 days, to co-locate on an existing or approved tower or building. The applicants efforts must be documented in writing, and sent by certified mail.

- e) Other reasons that make it impractical to locate the planned telecommunications equipment upon an existing or approved tower or building.

- B. If a variance is requested, the applicant shall demonstrate to staff, by providing a coverage/interference analysis and capacity analysis prepared by a qualified radio frequency engineer that the location of the antennas as proposed is necessary to meet the frequency reuse, capacity and spacing needs of the wireless communication system and to provide adequate coverage.

- C. The antennas shall be located on an existing structure, if possible.

Subdivision 6: Prohibited Uses

- 1. No tower or accessory structure shall be erected in any public or private drainage easements.

- 2. No tower over 60 feet in height shall be located closer than the height of the tower plus 20 feet from of any residential dwelling other than the dwelling on the parcel on which the tower is to be located unless a waiver for siting is obtained for the necessity of preserving an operating irrigation system.

- 3. No tower shall be located closer than the height of the tower from any property line.

- 4. No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of emergency situation as authorized by the County Zoning Administrator. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Zoning Administrator.

- 5. Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.

Subdivision 7: Application for a Communication Tower

In addition to the submittal requirements required elsewhere in this ordinance, applications for conditional use permits for new towers and antennas shall be accompanied by the following information before being considered a complete application:

- 1. A report from a qualified and licensed professional engineer which:
 - a. describes the tower height and design including a cross section and elevation;

- b. certifies the tower's compliance with structural and electrical standards;
 - c. describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
 - d. describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA;
 - e. describes that the applicant will avoid causing destructive interference to co-located, previously established public safety communications;
 - f. specifies the distance to a DNR protected lake or river, the Mississippi River or Rum River areas, and the boundaries of state or county parks within a 1/2 mile or 1 mile, depending on the zone.
 - g. evidence of insurance
 - h. permit from the city, township, county or state for right-of-way use.
2. The County will maintain an inventory of all existing and proposed cell site installations and all carriers shall provide the following with each application:
 - a. a presentation size map of the County which shows the projected plan for cell sites to staff only, or if individual properties are not known, the geographic service areas of proposed cell sites.
 - b. provide a list of all existing sites, existing sites to be upgraded or replaced.
 3. All applications will be signed by a representative from the telecommunications company and the landowner. Written acknowledgment by the same, that they will abide by all applicable permits
 4. The Planning Commission may at its discretion, require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.
 5. The Zoning Department is authorized to employ on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required by not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis.

Subdivision 8: Permitted and Conditional Use Permits by Zoning District for Communication Towers.

Antennas and towers shall be allowed in the following zoning districts with a permit, if it meets the standards set forth in this ordinance and the following criteria are met:

A) HEAVY INDUSTRIAL DISTRICT

Permitted: The following uses are permitted if all general and performance standards are met:

1. Antenna located on a existing high power overhead transmission tower or attached to a pole integrated into the tower.
2. A free standing tower up to 250 feet, which has been constructed to accommodate additional users; the number depending on the tower height.
3. Antenna mounted on an existing structure and does not extend a maximum of fifteen (15) feet above the structure.

Conditional Use:

1. Towers over 250 feet built to accommodate at least two additional users.
2. Antenna and supporting structures mounted on an existing structure, and extends more than fifteen (15) feet beyond the height of the structure.

B) INDUSTRIAL/COMMERCIAL DISTRICTS

Permitted: The following uses are permitted if all general and performance standards are met.

1. Antenna located on a existing high power overhead transmission tower or attached to a pole integrated into the tower.
2. A free standing tower up to 200 feet, which has been constructed to accommodate additional tenants; the number depending on the tower height.
3. Antenna mounted on an existing structure and does not extend a maximum of fifteen (15) feet beyond the height of the structure.

Conditional Use:

1. Antennas over 200 feet built to accommodate at least three additional users, depending on the height of the tower.
2. Antenna and supporting structures mounted on an existing structure, and extends more than fifteen (15) feet beyond the height of the structure.

3. Towers up to 200 feet, located more than ¼ mile from the nearest residence other than the applicants, and built to accommodate additional users, the number depending on the height of the tower. The tower must meet the required setback from the property line, which is 50 feet.

C) AGRICULTURAL

Permitted:

1. Antenna located on an existing high power overhead transmission tower or attached to a pole integrated into the tower.
2. Antenna mounted on an existing structure and does not extend a maximum of fifteen (15) feet beyond the height of the structure.
3. Towers up to 200', located more than ¼ mile from the nearest residence other than the applicants, and built to accommodate additional users, the number depending on the height of the tower. The tower must meet the required setback from the property line which is 50 feet.

Conditional Use Permit:

1. Towers under 200 feet which will be located within ¼ mile from the nearest residence other than the applicants.
2. Towers over 200 feet, if the applicant can demonstrate a guaranteed occupancy of 3 or more tenants. The tower must meet the required setback for the zone, unless waived by the Planning Commission if in its opinion, the waiver is necessary to preserve an existing irrigation system.

Prohibited:

1. All free standing antenna towers and accessory structures located within a residential area.

D.) GENERAL RURAL

Permitted:

1. Antenna located on an existing high power overhead transmission tower or attached to a pole integrated into the tower.
2. Antenna mounted on an existing structure and does not extend a maximum of fifteen (15) feet beyond the height of the structure.

3. Towers up to 175 feet and accessory equipment located on “public land” more than ¼ mile from the nearest residence other than the applicants, and built to accommodate additional users, the number depending on the height of the tower.

Conditional Use Permit:

1. Antenna mounted on an existing structure and does not extend more than fifteen (15) feet beyond the height of the structure.
2. Free standing antenna towers and accessory structures that are not within a residential area up to a height of 175 feet, and that will accommodate additional users; the number depending on the height of the tower.

Prohibited:

1. All free standing antenna towers and accessory structures located within a “residential plat” or “residential area” as defined in this Ordinance.

E) URBAN EXPANSION

Co-approval by the adjoining city and/or township must be obtained as part of the application approval. The proposal must be consistent with the city's long term plan.

Permitted:

1. Antennas located on an existing high power overhead transmission tower or attached to a pole integrated into the tower.
2. Antennas mounted on an existing structure and does not extend a maximum of fifteen (15) feet beyond the height of the structure.

Conditional Use Permit:

1. Antennas mounted on an existing structure and does not extend a maximum of fifteen (15) feet beyond the height of the structure.
2. Towers up to 175 feet designed to accommodate additional users depending on the height of the tower. The proposal shall meet the requirements of all other sections of this ordinance. The height requirement must be consistent with the City/Township long range plans.

F) SHORELAND DISTRICTS

Conditional Use Permits:

1. Antenna located on a existing high power overhead transmission tower or attached to a pole integrated into the tower, and does not exceed fifteen (15) feet above the height of the structure.
2. Antennas mounted on an existing structure and does not extend a maximum of fifteen (15) feet above the height of the structure.

Prohibited:

1. All free standing antenna towers and accessory structures within a Shoreland area.

G) SCENIC AND RECREATIONAL RIVER DISTRICT

Conditional Use Permit:

1. Antenna located on an existing high power overhead transmission tower or attached to a pole integrated into the tower, and does not exceed a maximum of fifteen feet above the height of the transmission line.
2. Antenna mounted on an existing structure and does not extend a maximum of fifteen (15) feet above the height of the structure.

Prohibited:

1. All free standing antenna towers and accessory structures.

SECTION 16.6 - GENERAL STANDARDS FOR PRIVATE MOTOR SPORT VEHICLE TRACKS

This section covers motor sport activities, which include operation of dirt bikes, all terrain vehicles, mud trucks, and racecars used for recreation on private property in the unincorporated areas of the County.

Subdivision 1. Definitions:

Track: A course built for the operation of motorized vehicles which operate in a repetitive, continuous manner or an area where recreational motorized vehicles, through their repetitive use have altered or changed the natural contour of the landscape and created a clearly identifiable track.

Subdivision 2. Permitted sites

Sites which meet the following criteria are permitted uses in Sherburne County, unless prohibited by a more restrictive ordinance through another municipality:

1. The parcel of land is not in a residential subdivision.
2. The track must be located a minimum of 1,000 feet from any residence, except that of the owner.
3. The track must be located a minimum of 1,000 feet from a livestock shelter and/or arena, except that of the owner.
4. Landowners wishing to hold a single day or week-end motor sport event must apply for a special conditional use permit.
5. There must be a 50' minimum setback from a track to the property line.

SECTION 16.7 – PAWNBROKERS

Purpose. The County of Sherburne finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The County of Sherburne also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The County of Sherburne further finds that the pawn industry has outgrown the County's current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this ordinance amendment is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

To help law enforcement better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS).

Definitions. When used in this ordinance, the following words shall mean:

Pawnbroker. Any natural person, partnership or corporation, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property, or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker's business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

Reportable transaction. Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

- (1) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or

consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

Billable transaction. Every reportable transaction conducted by a pawnbroker is a billable transaction except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.

License fees

- (a) The annual license fees for licenses issued under this chapter shall be set by the Sherburne County Board of Commissioners by public hearing.
- (b) The billable transaction license fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the County Board pursuant to public hearing on the same.
- (c) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this chapter.

Application required

A. Contents. An application form provided by the Sherburne County Sheriff's Department must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

- 1. If the applicant is a natural person:
 - a. The name, place and date of birth, street resident address, and phone number of applicant.
 - b. Whether the applicant is a citizen of the United States or resident alien.
 - c. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.
 - d. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01.
 - e. The street address at which the applicant has lived during the preceding five (5) years.
 - f. The type, name and location of every business or occupation in which the

applicant has been engaged during the preceding five (5) years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.

- g. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.
 - h. The physical description of the applicant.
 - i. Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two (2) years prior to application.
 - j. If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a. through h. of subdivision (1) of this section.
2. If the applicant is a partnership:
- a. The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subdivision (1) of this section.
 - b. The name(s) of the managing partner(s) and the interest of each partner in the licensed business.
 - c. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate must be attached to the application.
 - d. A true copy of the federal and state tax returns for partnership for the two (2) years prior to application.
 - e. If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a. through h. of subdivision (1) of this section.
3. If the applicant is a corporation or other organization:
- a. The name of the corporation or business form, and if incorporated, the state of incorporation.
 - b. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, must be attached.

- c. The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in a. through h. of subdivision (1) of this section.
 - d. A list of all persons who control or own an interest in excess of five (5) percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in subdivision (1) above. This subdivision (d), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.
4. For all applicants:
- a. Whether the applicant holds a current pawnbroker, precious metal dealer or secondhand goods dealer license from any other governmental unit.
 - b. Whether the applicant has previously been denied, or had revoked or suspended, a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit.
 - c. The location of the business premises.
 - d. If the applicant does not own the business premises, a true and complete copy of the executed lease.
 - e. The legal description of the premises to be licensed.
 - f. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.
 - g. Such other information as the Sheriff's Office and Zoning Administrator may require.
- B. **New Manager.** When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within fourteen (14) days. The application must include all appropriate information required in this section.
- 1. Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. The fee shall be set according to the County Board for the same.
- C. **Application execution.** All applications for a license under this chapter must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a

natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

- D. Investigation. The Sheriff's Office must investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the Sheriff's Office such evidence as the Sheriff may reasonably require in support of the statements set forth in the application.
- E. Public hearing. Public hearings for the conditional use permit shall be held before the Sherburne County Planning Commission at its regular meeting time and place.
- F. Persons ineligible for a license. No licenses under this chapter will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:
 - 1. Is a minor at the time that the application is filed; or,
 - 2. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by Minnesota Statutes, Section 364.03, Subd. 3.

Bond required. Before a license will be issued, every applicant must submit a five thousand dollar (\$5,000.00) bond in the form approved by the Sherburne County Sheriff or his/her designee. All bonds must be conditioned that the principal will observe all laws in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the County, which shall be served upon the Sherburne County Sheriff.

Records required. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department:

- 1. A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- 2. The purchase price, amount of money loaned upon, or pledged therefore.

3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
4. Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.
5. Full name, current residence address, current residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair.
6. The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo identification card issued by another state or province of Canada.
7. The signature of the person identified in the transaction.
8. Effective sixty (60) days from the date of notification by the Sheriff's Office of acceptable video standards the licensee must also take a color digital photograph or color video recording of:
 - a. Each customer involved in a billable transaction, and,
 - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a digital photograph is taken, it must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Sheriff's Department, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous

place on the premises. The licensee must keep the exposed videotape for three (3) months.

9. Digitized photographs. Effective sixty (60) days from the date of notification by the Sheriff's department licensees must fulfill the color photograph requirements in section (*RECORDS REQUIRED*) (8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision (8).
10. Renewals, extensions and redemptions. For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
11. Inspection of records. The records must at all reasonable times be open to inspection by the Sheriff's department or Zoning Office. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

Daily reports to police.

- a. Effective no later than sixty (60) days after the police department provides licensees with the current version of the Automated Pawn System Interchange File Specification, licensees must submit every reportable transaction to the Sheriff's department daily in the following manner:
 1. Licensees must provide to the Sheriff's department all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the Sheriff's department daily.
- b. Billable transaction fees. Licensees will be charged for each billable transaction reported to the Sheriff's department.
 1. If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the Sheriff's department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day;

2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in section (*DAILY REPORTS TO POLICE b. 1.*) and must be charged a fifty dollar (\$50.00) reporting failure penalty, daily, until the error is corrected; or
3. If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in (*DAILY REPORTS TO POLICE b. 1.*) and resubmit all such transactions via modem when the error is corrected.
4. If a licensee is unable to capture, digitize or transmit the photographs required in (*RECORDS REQUIRED*) (9), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
6. (*DAILY REPORTS TO POLICE*) (b) (1) through (3) notwithstanding, the Sheriff's department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

Receipt required. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt must include at least the following information:

1. The name, address and telephone number of the licensed business.
2. The date and time the item was received by the licensee.
3. Whether the item was pawned or sold, or the nature of the transaction.
4. An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
5. The signature or unique identifier of the licensee or employee that conducted the transaction.
6. The amount advanced or paid.
7. The monthly and annual interest rates, including all pawn fees and charges.
8. The last regular day of business by which the item must be redeemed by the

pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

9. The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller.
10. The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or identification card issued by another state or province of Canada.
11. Description of the pledger or seller including approximate sex, height, weight, race, color of eyes and color of hair.
12. The signature of the pledger or seller.

All printed statements as required by state statute 325J.04 subdivision 2, or any other applicable statutes.

Redemption period. Any person pledging, pawning or depositing an item for security must have a minimum of ninety (90) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the ninety (90) day holding period, items may not be removed from the licensed location. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the police license inspector. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with *(RECORDS REQUIRED)* (10).

Holding period. Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for thirty (30) days from the date of the transaction. An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

Police order to hold property.

- a. Investigative hold. Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial

notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to [section] (*POLICE ORDER TO HOLD PROPERTY*) (b), whichever comes first.

- b. Order to hold. Whenever the Sheriff, or the Sheriff's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the Sheriff or the Sheriff's designee. The order to hold shall expire ninety (90) days from the date it is placed unless the Sheriff or the Sheriff's designee determines the hold is still necessary and notifies the licensee in writing.
- c. Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the Sheriff or Sheriff's designee may:
 - 1. Physically confiscate and remove it from the shop, pursuant to a written order from the Sheriff or the Sheriff's designee, or
 - 2. Place the item on hold or extend the hold as provided in (*POLICE ORDER TO HOLD PROPERTY*) (b), and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

When an order to hold/confiscate is no longer necessary, the Sheriff, or Sheriff's designee shall so notify the licensee.

Inspection of items. At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.

Label required. Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

Prohibited acts.

- a. No person under the age of eighteen (18) years may pawn or sell or attempt to pawn or sell goods with any licensee, nor may any licensee receive any goods from a person under the age of eighteen (18) years.

- b. No licensee may receive any goods from a person of unsound mind or an intoxicated person.
- c. No licensee may receive any goods, unless the seller presents identification in the form of a valid driver's license, a valid State of Minnesota identification card, or current valid photo driver's license or identification card issued by the state or providence of residency of the person from whom the item was received.
- d. No licensee may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed.
- e. No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own; nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest; with any licensee.
- f. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false or altered identification, or the identification of another; to any licensee.

Denial, suspension or revocation. Any license under this chapter may be denied, suspended or revoked for one or more of the following reasons:

- 1. The proposed use does not comply with the any applicable zoning code.
- 2. The applicant or licensee has failed to comply with one or more provisions of this chapter.
- 3. The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.
- 4. Fraud, misrepresentation or bribery in securing or renewing a license.
- 5. Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.
- 6. Violation within the preceding five (5) years, of any law relating to theft, possession of stolen property , sale of a controlled substance, or felony fraud (8) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this chapter.

Business at only one place. A license under this chapter authorizes the licensee to carry on its business only at the permanent place of business designated in the license by the person/entity licensed. However, upon written request, the Sheriff may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with *(INSPECTION OF ITEMS)*. All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the state city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premise that extends for more than six (6) months.

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Subdivision 1: Sign Regulations

All signs hereafter erected or maintained, except official, public traffic and street signs shall conform with the provisions of this Subdivision and any other ordinances or regulations of Sherburne County.

1. General Sign Provisions

- A. Unless otherwise provided by this Section, all signs shall require permits. No permit is required for the maintenance of a sign or for a change copy on printed, or changeable copy signs.
- B. Prohibited signs: The following types of signs are prohibited in all districts:
 - 1. Abandoned signs which no longer identify or advertise a bona fide business, service, product, or activity or for which no legal owner can be found;
 - 2. Signs imitating or resembling official traffic or government signs or signals;
 - 3. Signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way;

4. Signs placed on vehicles or trailers which are parked or placed for the primary purpose of displaying said sign except for portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;
 5. Signs suspended beneath a canopy, overhang, roof, or marquee without a minimum clearance from grade of eight (8) feet in a vehicular way or seven (7) feet in a pedestrian way;
 6. Any roof sign or sign erected above the roof line of a building;
 7. Any sign placed that may obstruct motorist or pedestrian visibility;
 8. Rotating, flashing or animated signs;
 9. Unsafe/dangerous signs.
- C. Signs Not Requiring Permits: The following types of signs are exempt from permit requirements but must otherwise be in conformance with all requirements of this section:
1. On-premise construction signs having a sign area of sixty-four (64) square feet or less;
 2. On-premise directional/informational signs having a sign area of four (4) feet or less;
 3. Holiday decorations;
 4. On-premise nameplates having a sign area of four (4) square feet or less;
 5. Political signs, on-premise private sale or on-premise event signs;
 6. On-premise real estate signs having a sign area of six (6) square feet or less.
- D. Maintenance: All signs shall be properly maintained including the ground around the sign. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced on conforming signs. The Zoning Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- E. Lighting: Unless otherwise specified by this Section, all signs may be illuminated. However, no sign regulated by this Section may utilize flashing or revolving beacon lights. Lighting shall be directed away from road right-of-ways and adjacent dwellings.
- F. Changeable Copy: Unless otherwise specified by this Section, a sign may use manual or automatic changeable copy.

2. **Regulation of Signs by Zone**

- A. Signs Permitted in all Zones: The following signs are allowed in all zones:
1. All signs not requiring permits as set forth in paragraph 3 (C) of this Section;
 2. One (1) on-premise temporary combination area identification, construction and real estate sign not to exceed ninety-six (96) square feet in sign area or fifteen (15) feet in height.
 3. One (1) on-premise attached nameplate per occupancy, not to exceed four (4) square feet in sign area;
 4. Political signs are permitted in any zone. Such signs shall be consistent with State Statute. Political signs may be placed only on private property and only with the permission of the property owner. Such signs shall not be illuminated;
 5. On-premise Directional/Informational signs not to exceed (4) square feet per sign in sign area.
- B. Signs permitted in Agricultural, Rural Residential, Scenic River, Recreational River and Shoreland Zones:
1. All signs permitted in paragraph 4A of this section;
 2. One (1) permanent area identification sign per neighborhood, subdivision, or development, not to exceed thirty-two (32) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies.
 3. For permitted nonresidential uses, such as churches, synagogues, and schools, one (1) on-premise freestanding sign and one (1) wall business sign not to exceed ninety-six (96) square feet in total sign area;
 4. Any combination of on-premise freestanding and wall mounted real estate signs for model homes having a combined total sign area not to exceed thirty-two (32) square feet. Freestanding signs for model homes shall have a maximum height of five (5) feet.
 5. Agricultural crop demonstration signs having a sign area of six (6) square feet or less.
- C. Signs permitted in Commercial, Industrial and Heavy Industrial Zones:
1. All signs permitted in paragraph 4A of this Section;

2. One (1) permanent area identification sign per subdivision or development, not to exceed sixty four (64) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies;
3. One (1) free standing on-premise sign not to exceed one hundred sixty four (164) square feet. Such signs may not exceed a maximum of forty (40) feet in height."
4. One (1) on-premise business wall sign per premise, not to exceed one (1) square foot of sign area for each linear foot of building frontage up to a maximum of one hundred twenty eight (128) square feet;
5. Off-premise advertising signs shall be permitted subject to the following requirements:
 - a. Off-premises signs are prohibited within three hundred (300) feet of the intersection of the highway right-of-way and any other right-of-way or driveway.
 - b. Advertising signs are prohibited within one thousand two hundred (1,200) feet of another advertising sign on the same side of the right-of-way.
 - c. All advertising signs shall be erected with a single pole or mono-pole structural standard and shall have underground wiring.
 - d. The base of any advertising sign must be landscaped with at least grass and must be properly maintained.
 - e. Advertising signs shall not exceed four hundred (400) square feet in area nor twenty-five (25) feet in height as measured perpendicularly from the height of the highest point of the sign structure to the grade level directly below the sign. The existing grade may not be altered for the purpose of increasing sign height.
 - f. Advertising signs shall be considered a principal use of the property. Existing advertising signs must be removed when the parcel upon which they are situated is devoted to another principal use.
 - g. The County shall perform a yearly inspection of the advertising devices to ensure compliance of said advertising structure with the provisions of this section and other provisions of this Ordinance.

The fee for said inspection shall be set by the Board of Commissioners by resolution from time to time.

- h. Such advertising signs shall only be allowed in zoned property adjacent to right-of-way for State Highways number 10, 169, 25 and 24.

D. Nonconforming Signs:

- 1. Nonconforming Signs: Existing signs which do not conform to the specific provisions of this Section may be eligible for the designation "Legal Non-conforming" provided that:
 - a. The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public.
 - b. The sign was authorized by a valid permit and constructed in compliance with all applicable laws prior to the date of adoption of this ordinance.
- 2. A legal non-conforming sign may lose this designation if the sign is relocated, replaced, altered or damaged by more than fifty percent (50%).

Subdivision 2: Parking and Loading Regulations

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinance or regulations of Sherburne County.

- 1. **Minimum Size Regulations:** Each space shall have a width not less than 9 by 18 feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- 2. **Reduction and Use of Parking and Loading Space:** On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
- 3. **Computing Requirements:** In computing the number of such parking spaces required, the following rules shall govern:

- A. Floor space shall mean the gross floor area of the specific use.
 - B. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
 - D. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.
4. **Buffer Fences and Planting Screens:** On-site parking and loading areas near or abutting residence of residential district shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as part of the initial construction.
5. **Access**
- A. Parking and loading space shall have proper access from a public right-of-way.
 - B. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
 - C. Vehicular access to business or industrial uses across property in any residential district shall be prohibited.
6. **Location of Parking Facilities and Combined Facilities:**
- Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one or more buildings or uses in Commercial or Industrial Districts, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
7. **Construction and Maintenance:**
- A. In the Commercial and Industrial Districts, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage, as required by the County Engineer.
 - B. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
8. **Lighting:** Lighting shall be reflected away from the public right-of-way and nearby or adjacent residences.

9. **Required Site Plan:** Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.

10. **Required Number of On-Site Parking Spaces:** On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:
 - A. Assembly or exhibition hall, auditorium, theater or sports arena - One parking space for each three seats.
 - B. Churches - One parking space for each four seats, based on the design capacity of the main seating area.
 - C. Bowling alley - Five parking spaces for each bowling lane.
 - D. Convenience food restaurant - At least 2 parking spaces for each table.
 - E. Elderly Persons' Housing - Area equal to one parking space per dwelling unit must be reserved. Only one-half space per dwelling unit must initially be developed, however. Said number of spaces can continue until such time as the governing body determines the additional parking space is needed.
 - F. Grocery store - Seven spaces per 1,000 square feet of floor area.
 - G. Manufacturing plant - One space for each employee on the major shift plus one space for each company vehicle when customarily kept on the premises.
 - H. Medical and dental clinics and animal hospital - Three parking spaces for each doctor.
 - I. Motel - One parking space for each rental room or suite plus one space for every ten units and one additional space for each employee on the major shift, plus additional spaces as may be required herein for related uses contained within the principal structure.
 - J. Multiple dwelling or mobile home park - A minimum of two off-street parking spaces per dwelling unit for residents' use plus a minimum of one-half off-street space per dwelling unit for visitors' use. The driveway in front of a garage may not be counted as a parking space.
 - K. Office buildings - One parking space for each 250 square feet of floor area.

- L. Restaurant, cafe, nightclub, tavern or bar - One parking space for each 75 square feet of customer floor area.
 - M. Retail stores and service establishments - Five spaces per 1,000 square feet of floor area.
 - N. Single family dwelling - Two parking spaces. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
 - O. Shopping Center - Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than five spaces per 1,000 square feet of gross floor area.
 - P. Warehouse - One parking space for each two employees on the major shift or one parking space for each 2,000 square feet of floor area, whichever is greater, plus one space for each company vehicle when customarily kept on the premises.
11. **Required Loading Areas:** Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

Subdivision 3: Performance Standards

It is the intent of this Subdivision to provide that uses of land and buildings in all Commercial or Industrial Districts shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

- 1. **Standards:**
 - A. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
 - B. **Odors.** Odors from any use hereafter begun shall not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do not result in greater degree or odors. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
 - C. **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.
 - D. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.

- E. **Vibration.** Vibration shall not be discernible at any exterior property line to the human sense of feeling for three minutes or more duration in any one hour.
 - F. **MPCA Requirements:** Any use established, enlarged, or remodeled after the effective date of this ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the omission of smoke or other particulate matter.
 - G. **Fumes or Gases.** Fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
 - H. **Hazard.** Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
 - I. **Sewer & Water.** Any use established, enlarged, or remodeled after the effective date of this ordinance requiring private sewer and water systems must have adequate site conditions for such facilities to ensure public health. Site conditions such as soils, groundwater quality and quantity and other applicable conditions shall be considered.
2. **Compliance:** In order to insure compliance with the performance standards set forth above, the Board of County Commissioners may require the owner or operator of any permitted or Conditional Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the County.

Subdivision 4: Exceptions to Height and Setback Regulations

1. **Exceptions to Height Limits:**

- A. Except as hereafter provided, the maximum height limitation for structures within Sherburne County will be 200 feet.
- B. Structures in excess of 200 feet shall be permitted if there is accompanying the building or other permit application or filing, a letter of clearance from the Federal Aeronautics Administration.
- C. All other modifications of height restrictions shall be by Variance (Sec 18, Subd 3).
- D. Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

- E. Height limitations set forth elsewhere in this Ordinance may be increased by 100 percent when applied to the following:
 - 1. Monuments
 - 2. Flag poles
 - 3. Cooling towers
 - 4. Grain elevators

- F. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
 - 1. Church spires, belfries or domes which do not contain usable space
 - 2. Water towers
 - 3. Chimneys or smokestacks
 - 4. Radio or television transmitting towers
 - 5. Utility poles and towers.

2. **Exceptions to Setback Regulations:**

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- A. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four feet, six inches.
- B. Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches.
- C. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three feet, six inches may be placed around such a place.
- D. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
- E. A wall, fence or hedge may occupy part of the required front, side or rear yard.
- F. On double frontage lots, the required front yard shall be provided on both streets.
- G. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a road or public road by obscuring the view.

- H. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running along the side road lines between the road intersection and a point 50 feet from the intersection, and the third side of which is the line between the latter two points.

Subdivision 5: Yard Landscaping

In the Commercial or Industrial Districts, all required yards shall be either open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in an attractive and well-kept condition. Yards adjoining any residence or residentially zoned property shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the application for building permit and installed as a part of the initial construction.

Subdivision 6: Controls during Construction

The following procedures shall be followed during site alteration or building construction:

1. **Erosion Control:** Soil erosion shall be limited through by staking hay bales on slopes, around lakes, wetlands, steams and ditches; by sodding or seeding and mulching uncovered earth as soon as practical; by grading in stages so as to minimize the time earth is uncovered; by not grading steep slopes; and by minimizing the area where groundcover is removed.
2. **Nuisance Control:** Noise that would disturb neighbors shall be minimized by not performing noisy work during early morning or evening hours or on weekends. Good judgement should be exercised by builders and County staff in this matter. Also, reasonable appearances shall be maintained by eliminating blowing litter and by considerate storage of building materials and equipment.

Subdivision 7: Exterior Storage of Materials

In any Commercial or Industrial Districts, open storage of materials or goods in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened from view from any public street or residence with landscaping, berming and/or fencing.

Subdivision 8: Accessory Structures

1. On parcels less than 5 acres, an accessory structure may not exceed 25 feet in height, as measured from the ground floor to the highest point. On parcels 5 acres or more, an

accessory structure may not exceed 35 feet in height, as measured from the ground floor to the highest point.

2. A detached accessory structure shall not be designed for living quarters and shall not occupy the only land available for sewer system replacement.
3. Accessory buildings larger than two hundred (200) square feet shall require a building permit. All accessory structures, including those that do not require building permits, must adhere to the setbacks and other requirements of this Ordinance.
4. Residential accessory structures are limited to the following sizes, no variance may be granted to the building size limitations provided in the section:

Lot Size	Maximum Size of Any Single Structure	Maximum Lot Coverage for All Accessory Structures
Un-platted lot less than 2.5 acres.	Single building 1,200 sq. ft.	Maximum accessory buildings up to 4% of the lot size sq. ft.
Un-platted lot 2.5 to 5 acres.	Single building 1,800 sq. ft.	Maximum accessory buildings up to 4% of the lot size sq. ft.
Un-platted lot 5 acres and above.	Single Building 5,500 sq. ft. ¹	Maximum accessory building up to 4% of the lot size sq. ft. .
Platted lot less than 2.5 acres.	Single building 1,200 sq. ft	Maximum accessory buildings up to 3% of the lot size sq. ft.
Platted lot 2.5 to 5 acres.	Single building 1,800 sq. ft.	Maximum accessory buildings up to 3% of the lot size sq. ft.
Platted lot 5 acres and above.	Single building 5,500 sq. ft.	Maximum accessory buildings up to 3% of the lot size sq. ft.

5. Shipping/storage containers and semi-trailers are prohibited for use as an accessory structure on any platted lot and on non-platted residential lots less than 10 acres. Unless that a shipping/storage container or semi-trailer is used as a temporary storage unit for moving purposes for a period of not more than one consecutive month in a twelve-month period or as a temporary construction project container not to exceed three consecutive months. Shipping/storage containers and semi-trailers used for these purposes on platted lots must comply with the parking requirements for vehicles provided for in Section 17, Subd. 2 of this Ordinance.
6. Agricultural Buildings that are exempt from obtaining a building permit must obtain a Land Use Permit from the Zoning Administrator prior to construction to ensure that the Agricultural Building complies with setbacks and other requirements of this Ordinance.

¹ MN Building Code maximum size for a U occupancy Type V, B construction.

Subdivision 9: Non-Conforming Buildings, Signs, Sewage Systems or Other Uses

1. **Existing Uses.** Any use of lands or structures, lawfully existing as of the date this Ordinance was adopted, may be continued only at the same size and the same manner of operation existing upon such date except as hereinafter specified.
2. **Damaged Uses.** No building or structure that has been damaged by fire, explosion, act of God or the public enemy to the extent or more than fifty percent of its value shall be restored except in conformity with the regulations of this Ordinance.
3. **Discontinued Uses.** In the event that a non-conforming use of any building is discontinued or its normal operation stopped for a period of one year, the use of same shall thereafter conform to the regulations of the District in which it is located.
4. **New Non-Conforming Uses.** When any lawful non-conforming uses has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
5. **Sewage Treatment Systems.** A sewage treatment system not meeting the requirements of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. A sewage treatment system not meeting the requirements of this ordinance must be upgraded prior to property transfer or registration of a contract for deed.
6. **Non-Conforming Lots of Record.** On non-conforming lots of record, where the normal setbacks from the public road or rear lot line can not be met, an administrative exemption may be granted by the Zoning Administrator under the following conditions:
 - a) If there are structures on the adjacent lots that are also closer than the required setback and the proposed structure will be no closer to the road or property line than the structures on adjacent lots;
 - b) If the proposed structure is not located any closer than 50' from the centerline of the road;
 - c) If the proposed project meets all other structure, sewer and well setbacks;
 - d) If the project meets building and drainage policies;
 - e) If the public road is not a County Road, County State Aid Highway, or a U.S. Highway;
 - f) And if the proposed project can meet any other conditions deemed reasonable by the Zoning Administrator and Building Official.

Subdivision 10: Calculating Lot Sizes

When calculating a lot size, non-lake wetlands and public road easements may be included but dedicated public road rights-of-way may not, unless in a Simple Plat. Property beneath the normal high-water elevation of a lake recognized by the Minnesota Department of Natural Resources and property within the meander line of a stream may not be included.

Subdivision 11: Tree and Woodland Preservation

1. Developers, contractors and homeowners shall prevent the introduction and spread of tree disease into wooded building sites, and to reduce the impacts of construction on those and adjoining properties. Developers, contractors and subcontractors shall use construction practices which protect trees to be saved, and shall properly remove and dispose of diseased or damaged trees.
2. Developers proposing new residential subdivision areas with oak woods are required to schedule an on-site inspection with the County Forester for diagnosis of existing oak wilt infection centers on the property. If oak wilt is found, the developer must take appropriate suppression efforts before construction begins on the property.

Subdivision 12: Building in Fire Prone Areas

1. The solid portion of a conifer stand shall be removed for a distance of thirty (30) feet around the perimeter of the building. Single, well spaced trees may be left in this buffer area.
2. An alternate, passable driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire, and allow for entrance and movement of emergency equipment.
3. Building construction materials shall conform to reflect the relative fire danger of the area. Roofs and exteriors of buildings should be of fire resistant nature.

Subdivision 13: Compliance with Wetland Conservation Act Regulations

Definitions for purposes of this Subdivision

Decisions – formal action by Zoning Staff to approve, approve with conditions or deny formal applications or requests including, but not limited to typing, boundary determination, exemption, no-loss, replacement plan, banking plan, sequencing and excavation plan.

De minimis – maximum wetland impacts allowed before wetland replacement is required.

Impact – direct and/or indirect change to a wetland, including but not limited to draining, excavating or filling.

Zoning Staff – Zoning Administrator, Assistant Zoning Administrator and/or Environmental Specialist.

Overview

Sherburne County Zoning Ordinance
Regulations

Sec 17 General Development

Landowners and/or applicants must obtain a wetland exemption certificate, no-loss certificate, wetland replacement approval, or wetland excavation permit prior to impacting a wetland. The application with required fees must be submitted to the Sherburne County Zoning Department and processed as per the Minnesota Wetland Conservation Act.

A landowner and/or applicant may impact a wetland under the precise conditions as stated in the wetland exemption certificate, no-loss certificate, wetland replacement plan approval letter or wetland excavation permit.

Side slopes of excavated, filled or created wetlands shall not be steeper than 5:1 (horizontal to vertical) as averaged around the wetland unless otherwise approved by the Technical Evaluation Panel.

Each property is allowed one de minimis. When the total impact to wetlands on a property meet or exceed de minimis, no future impacts are exempt. Sale, transfer or subdivision of the property does not negate past impacts for purposes of de minimis. If a portion of de minimis was used prior to subdivision, the remainder as determined at the time of subdivision may be split among the resulting properties.

If no de minimis is available to resulting properties, the developer's agreement shall read "No wetland impact is allowed without a wetland replacement plan approved by the local Government Unit. Call Sherburne County Zoning for details."

Decisions

The Sherburne County Board of Commissioners delegates Zoning Staff to make all necessary wetland decisions pursuant to the requirements of the Minnesota Wetland Conservation Act. Zoning Staff may defer wetland decisions to the Sherburne County Board of Commissioners.

Wetland boundary or type determinations are valid for five (5) years unless the Technical Evaluation Panel determines that the natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Wetland exemptions are valid for two (2) years.

All landowners and/or applicants for any permit or variance request must have all applicable wetland approvals prior to being scheduled for a public hearing with the Sherburne County Planning Commission.

Appeals

Pursuant to MN Statute 103G.2242. Subd 9, appeal of a replacement plan, sequencing, exemption, wetland banking, wetland boundary or type determination, or no-loss decision may be obtained by mailing a petition and payment of a filing fee to the Minnesota Board of Water and Soil Resources.

Pursuant to MN Statute 103G.2242. Subd 9a, a landowner or other responsible party may appeal the terms and conditions of a restoration or replacement order within 30 days of receipt of written

notice of the order to the Minnesota Board of Water and Soil Resources.

Wetland replacement and enforcement

A landowner and/or applicant required to restore or create a wetland must escrow funds with Sherburne County in an amount set in the County fee schedule as amended.

Annual monitoring reports must be completed by the landowner and/or applicant and submitted by September 15th of each year. If an annual monitoring report is incomplete or not submitted by September 15th, Zoning Staff or its delegate may complete the monitoring report for the landowner and/or applicant and charge time and mileage to the landowner and/or applicant, paid from the escrowed funds.

Zoning Staff will monitor all replacement wetland sites annually to ensure progress is being made, and to ensure Zoning Staff has adequate information to complete a monitoring report should the need arise.

If an as-built is incomplete or not submitted as required, Zoning Staff may hire a surveyor to complete the work for the landowner and/or applicant at the landowner and/or applicant's expense. Payment will be taken from the escrowed funds. If the escrowed funds are insufficient to complete the work, the landowner and/or applicant shall be liable for any additional funds due and owing.

Subdivision 14: Swimming Pools and Spas

Construction or alteration of swimming pools, wading pools, and spas requiring a building permit, shall comply with the following regulations;

1. All below ground swimming pools and above ground pools holding over 5,000 gallons of water or with a flood rim or deck of at least 48" above the adjacent ground elevation require a building permit.
2. All pools or spas requiring a building permit shall be enclosed and/or fenced, or covered with an automatic pool cover when not in use.
3. Fencing shall be a minimum height of 48" above the adjacent grade elevation and must have self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices for when the pool is not in use.
4. Automatic pool covers shall meet the standards of F1246-91 (reapproved 1996) of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded, or replaced by ASTM.
5. An above ground pool with a flood rim or deck of at least 48" above the adjacent ground elevation may be considered enclosed. In this case, ladders and/or stairs used to access an

- above ground pool shall be removable or enclosed, and secured or locked when not in use.
6. Fencing shall be chain link, vertical pickets or solid. Spaces between the bottom of the fence and the ground or between the pickets shall not exceed four inches.
 7. Fencing or automatic pool covers must be installed prior to final inspection and filling the pool with water.
 8. All pool and/or spa related chemicals shall be stored inside the home or an accessory structure.

Subdivision 15: Grading, Filling Excavating Temporary

1. A permit shall be required for all land disturbing activities involving the grading, filling or excavation of an amount of soil or other material greater than 500 cubic yards and less than 100,000 cubic yards. The purpose of this subdivision is to allow for a one-time project with a duration of less than one year. Only one permit may be issued for any property within the County under this subdivision. The permittee shall comply with the terms and conditions of the Permit and the standards contained in this subdivision.
2. A complete Land Use Permit application provided by the Zoning Department, shall be submitted along with the required fees and the following information;
 - A. A copy of the Storm Water Pollution Prevention Plan (SWPPP) prepared for the MPCA NPDES Phase II Permit Program for activity associated with the project;
 - B. Copies of permits or permit applications or approvals relating to the project that may be required by any other governmental entity;
 - C. A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a proposed schedule for completion of construction; and
 - D. The applicable fee as set forth in the Sherburne County Fee Schedule.
3. Projects involving grading, filling or excavating more than 10,000 cubic yard must meet the requirements for Mining under Section 16.2 , Subdivision 5 of this Ordinance, unless exempted by the Zoning Administrator.
4. Projects that are located in Floodplain, Shoreland and Mississippi Recreational & Scenic District or that meet the State's thresholds for a Mandated Environmental Assessment Worksheet or Environmental Impact Statement, an Interim Use Permit is required for Mining under Section 16.2, Subdivision 5 of this Ordinance.

5. Approval Process:

- A. Upon receiving an application the Zoning Department shall determine if the application is complete and whether the application is in compliance with the standards which are identified in the Minnesota Pollution Control Agency's NPDES Phase II construction site stormwater permit and the provisions of this ordinance.
- B. If the Zoning Administrator determines that there is need for an outside engineer to review the application, the applicant shall be responsible for the cost, through performance surety.
- C. The permit may be denied if the Zoning Administrator determines that the project may result in a substantial environmental impact or adverse impact on surrounding properties.

4. Permit Conditions:

- A. The SWPPP shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Permanent stormwater components of the plan shall be maintained in perpetuity.
- B. The permittee(s) is responsible for successful completion of the SWPPP.
- C. The permit shall contain restoration and remediation standards so that the property is left in a nuisance-free condition.
- D. The permittee(s) shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
- E. Application for a permit shall constitute express permission by the permittee(s) for the Sherburne County Zoning Department to enter the property for purposes of inspection or enforcement. The application form will contain a prominent provision advising the applicant and landowner of this requirement.
- F. Hours of Operation 7:00 AM – 7:00 PM Monday through Saturday.
- G. The permit may designate a specific haul road/access road for the project and may be conditioned on the permittee entering into a road restoration agreement with the applicable road authority before any work may commence.
- H. Processing machinery and excavation must comply setback standards for structures from ordinary high water levels of public waters and from bluffs.
- I. Mining shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.

- J. No more than 100,000 cubic yards may be graded, filled and/or excavated pursuant to the permit.
 - K. The project, including any restoration and remediation activity shall be completed no later than one year after the date the permit is issued.
 - L. The County may condition the approval of any permit on the provision of financial security, in a form and amount acceptable to the County in its sole discretion, to serve the proper performance of the permitted work.
5. Inspections.
- A. Prior to any excavation, all perimeter controls must be inspected by the Zoning Department.
 - B. The Zoning Department shall inspect the property to verify compliance with the submitted SWPPP within 10 days of notification of soil stabilization.
 - C. Inspections and maintenance of the permitted site is the responsibility of the owner. The permittee(s) inspection records must be made available to the Zoning Department.
6. Permit Fees.

The fee for the permit required by this Ordinance will be established by the Sherburne County Board of Commissioners as part of the County Fee Schedule.

Subdivision 16: Feedlots and/or Manure Storage Areas

- A. All feedlots shall comply with MN Rule 7020.
- B. Manure Storage Areas shall be designed, constructed and maintained in compliance with MN Rule 7020.2100.
- C. The following required and minimum setbacks are applicable to feedlots, manure storage areas and residences not located on the same property as these operations, provided, however, that residences located on parcels adjacent to the feedlot property that are owned by persons having an ownership interest in the feedlot or feedlot property shall be treated in the same manner as residences located on the feedlot property for purposes of this Section:

SECTION 17 - GENERAL DEVELOPMENT REGULATIONS

		LUP Req	CUP Req	EAW Req	non-feedlot residence	residential platted lot	property line	road centerline	City Limits	Public Park	Lake	River, Stream, or County Ditch	Private Well
Agricultural Dist.													
Tier 1	>2 - <50 AU	No	No	No	0'	0'	10'	N/A	200'	200'	1,000'	300'	100'
Tier 2	50 - <500 AU	Yes	No	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 3	500 - <1,000 AU	Yes	No	Yes*	660'	800'	250'	100'	2,640'	1,320'	1,000'	300'	100'
Tier 4	1,000 AU & greater	No	Yes	Yes	660'	1,000'	250'	100'	3,960'	1,320'	1,000'	300'	100'
General Rural Dist.													
Tier 1	>2 - <50 AU	No	No	No	200'	0'	10'	N/A	200'	200'	1,000'	300'	100'
Tier 2	50 - <250 AU	No	Yes	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 3	250 - <500 AU	No	Yes	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 4	500 - <1,000 AU	No	Yes	Yes*	1320'	1320'	250'	100'	2,640'	2,640'	1,000'	300'	100'
Tier 5	1,000 AU & greater	No	Yes	Yes	2,640'	2,640'	250'	100'	3,960'	3,960'	1,000'	300'	100'

* An EAW is required for new or expanding feedlots for more than 500 animal units only if located in a “Sensitive Area”. A Sensitive Area includes; shorelands; delineated flood plains; Recreational or Scenic River districts; within 1,000’ of a karst feature (sinkhole, cave, disappearing spring, resurgent spring, karst window, dry valley or blind valley); and vulnerable parts of delineated drinking water supply management areas.

- D. For the purposes of this section, Manure Storage Areas shall be regulated according to the number of animal units the Manure Storage Area is designed and constructed to accommodate.
- E. A Land Use Permit or Conditional Use Permit issued for any feedlot and any manure storage area shall authorize the feedlot owner/operator to maintain any number of animal units within the allowable range of the tier designated in the permit. The number of animal units contained in the feedlot must not exceed the maximum number allowed in the designated tier unless the feedlot owner/operator first obtains a new or amended Land Use Permit or Conditional Use Permit for the appropriate higher tier.
- F. An MPCA registered feedlot or manure storage area existing prior to November 8, 2014 that does not comply with the setbacks established in this Section may continue as a non-conforming use within the same tier or a lesser tier.
- G. An MPCA registered feedlot or manure storage area existing prior to November 8, 2014, that does not comply with the setbacks established in this Section may expand

in area so long as the expansion does not further encroach upon the setbacks and the expansion does not result in the feedlot increasing to a higher tier.

- H. New feedlots and manure storage areas, and the expansion of existing feedlots and manure storage areas are prohibited within the Shoreland and Floodplain districts, in compliance with MN Rule 7020.2005.
- I. All proposed feedlots and/or manure storage areas requiring a Land Use Permit shall submit an application to the Zoning Department, along with the required fee and the following information:
 - 1. A complete Land Use Permit application with a map or aerial photo indicating dimensions of the feedlot and any manure storage area, and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow.
 - 2. A copy of approval from the MPCA to operate a feedlot.
 - 3. Designation of applicable Tier (e.g. Tier 1, Tier 2/3, etc.)

Subdivision 17: Solar Energy Systems and Solar Farms

- 1. **All Solar Energy Systems and Solar Farms shall comply with the following standards:**
 - A. Interconnection. All solar energy systems that are connected to an electric distribution or transmission system, either directly or through the existing service of the principal use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement. Interconnection agreements shall be provided to the County if requested.
 - B. UL listing. Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
 - C. Building and Electric Code. A building permit must be obtained from the Sherburne County Zoning Office and all Solar Energy Systems must comply with the Minnesota and National Electric Code.
 - D. Reflector systems. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that may affect adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the side of the solar energy system facing

the reflectors, reducing use of the reflector system, or other remedies that limit glare.

- E. Height standards. Rooftop solar energy systems shall not exceed the maximum allowed height in any zoning district, except that solar energy systems shall be restricted or allowed consistent with other rooftop mechanical devices for the zoning district in which the system is being installed. Rooftop systems shall be designed to blend into the building or roof design. On pitched roofs (with a slope greater than 15%) panels shall be flush-mounted and shall not extend above the peak of the roof. All ground-mount systems shall not exceed height limits for the district in which the collector is located, when the solar energy system is at its maximum (steepest) design tilt.
- F. Setbacks. All equipment and structures must comply with setback and impervious surface coverage limitations for the zoning district in which the solar energy system is located.
- G. Stormwater and Erosion Control. Solar energy systems shall comply with all regulations related to storm water management, including, without limitation, Ordinance 210 (Illicit Discharge Detection and Elimination).
- H. Ground-mount accessory solar energy systems are subject to the accessory structure standards, including, without limitation, setback, height, and impervious surface coverage limits.
- I. Within the Shoreland Overlay District, ground-mount accessory solar energy systems shall be located to limit visibility from the water in leaf-on conditions, as determined by the Zoning Administrator.
- J. All solar energy systems are subject to the performance standards in the applicable zoning district.

Subdivision 18: Recreational Vehicle Use and Storage Regulations

1. Parking of Recreational Vehicles

- A. The provisions of this Subdivision do not apply to homeowners who are storing a Recreational Vehicle on their property.

- B. One Recreational Vehicle (not to include mobile homes nor park trailers) is permitted for seasonal use on a lot without permanent dwelling unit provided that the following are met:
1. Only one such unit is allowed per lot.
 2. Sewage must be properly treated or hauled away.
 3. The Recreational Vehicle is for guests or recreational use only. It may not be occupied on any lot for more than 90 days in any calendar year.
 4. The unit must have a current license attached in accordance with state law.
 5. Placement of the unit shall comply with all lake, river and side setback requirements for a principal structure in the applicable zoning district.
- C. A Recreational Vehicle, owned by a non-resident, guest, or visitor, may be parked or occupied by said guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed thirty (30) days in the same calendar year.

SECTION 17.1 – STORMWATER MANAGEMENT AND EROSION CONTROL

- Subdivision 1: Purpose
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- Subdivision 3: Definitions
- Subdivision 4: Permit Application and Plan
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- Subdivision 6: Compliance with Plan
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Subdivision 1: Purpose

The purpose of Section 17.1 is to establish standards and specifications for conservation practices and planning activities to minimize soil erosion and sedimentation, and regulate construction site erosion and stormwater runoff to accomplish the following objectives:

1. Promote local stormwater management;
2. Minimize sedimentation; water pollution from nutrients, heavy metals, chemicals, petroleum products and other contaminants; flooding; and thermal impacts to the water resources of Sherburne County;
3. Promote infiltration and groundwater recharge;
4. Protect functional values of natural water courses and wetlands;
5. Provide a single, consistent set of performance standards for Sherburne County; and
6. Protect public and private property from damage resulting from runoff or erosion.

Subdivision 2: Scope

1. This Ordinance shall become effective upon enactment, and shall apply in all unincorporated areas of Sherburne County.
2. Sherburne County hereby adopts, by reference, the standards set forth in the Minnesota

Pollution Control Agency's (MPCA) General Permit-Authorization to discharge stormwater associated with Construction Activity under the National Pollutant Discharge Elimination System Permit Program (Permit No: MN R100001), along with any future amendments.

3. Townships performing work within the Township right-of-way must notify Sherburne County Zoning Department of all Land Disturbing Activities that require a NPDES Construction Stormwater Permit, but are not required to obtain a separate Permit from the County.
4. The Sherburne County Zoning Administrator shall be responsible for administration and enforcement of this Ordinance.
5. Where the standards of this Ordinance differ or conflict with any applicable ordinance, regulation, statute, or rule, the more restrictive standards shall apply.
6. Construction Activity requirements as limited to this Ordinance 17.1 are the same as those put forth in the NPDES Construction Stormwater Permit program as promulgated by the MPCA.

Subdivision 3: Definitions

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indication that land-disturbing activities may occur.

Construction Activity: A disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of Construction Activity may include clearing, grading, filling, and excavating. Construction Activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction Activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a stormwater control facility.

Dewatering: The removal of surface or ground water to dry and/or solidify a construction site to enable Construction Activity. Dewatering may require a Minnesota Department of Natural Resources water appropriation permit and, if dewatering water is contaminated, discharge of such water may require an individual MPCA NPDES/SDS permit.

Erosion Prevention: Measures employed to prevent erosion. Examples include but are not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.

Final Stabilization: means that all soil disturbing activities on the site or common plan of development have been completed, and that a uniform (evenly distributed, e. g. without large bare areas) perennial vegetative cover with a density of at least seventy (70) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed, and that all temporary erosion control devices are removed, including silt fence, temporary sedimentation basins, and temporary standpipes. Simply sowing grass seed and/ or mulch is not considered final stabilization. Final stabilization of a common plan of development includes completion of building or home construction along with final restoration of all yards and adjacent drainage ways.

Green Infrastructure: The use of natural hydrologic features to manage water and provide environmental and community benefits.

Land Disturbing Activity: Any excavating, grading, clearing, filling, or other disturbances of the soil of one (1) or more acre.

Permit: Means the Stormwater and Erosion Control Permit issued by the County pursuant to this Section.

Project(s) All Construction Activity that is planned and/or conducted under a Stormwater and Erosion Control Permit issued by the County. The project will occur on the site or sites described in the Permit application, and in the associated plans, specifications and contract documents.

Redevelopment: Any Construction Activity where prior to the start of construction the area to be disturbed has 15 percent or more impervious surface.

Stabilize, Stabilized, Stabilization: The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).

Sediment Control: The methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary

or permanent sedimentation basins. A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control requirements.

Steep Slopes: Slopes that are steeper than 3:1 (V:H) (33.3 percent) or steeper in grade.

Stormwater: Precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.

Stormwater Pollution Prevention Plan (SWPPP): A plan for stormwater discharge that includes all required content in conformance with this Section and which describes erosion prevention BMPs, sediment control BMPs, construction site/waste control BMPs and Permanent Stormwater Management Systems that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution. The plan as required to be submitted with a permit application under this Section consisting of the information and supporting documentation as set forth herein.

Subdivision 4: Permit Application and Plan

1. No activity meeting the requirements for a Permit shall occur until a permit is issued by the Sherburne County Zoning Department. A completed Permit application shall be submitted to the Zoning Department, along with all required application fees, prior to the County's consideration of the application. A Permit will be issued only after the Zoning Department determines that the proposed Project meets the requirements of this Section and the Zoning Department has approved the Stormwater Pollution Prevention Plan (SWPPP) for the Project.
2. If the County determines the application does not meet the requirements of this ordinance the application will be denied. If the application is denied, the applicant will be notified of the denial in written or electronic format, including reasons for the denial. An application addressing the reasons for denial may be re-submitted at any time.
3. Any Permit issued pursuant to the requirements of this Section shall expire two years from the date of issuance if significant progress of the work covered by the Permit is not satisfactorily accomplished as determined by the Zoning Department, unless an extension of the permit is requested by the applicant prior to expiration and approved by the Zoning Administrator.
4. Failure to comply with the approved terms and conditions of the Permit or the SWPPP shall be grounds for revocation of the Permit. Written notification of the revocation shall be mailed to the current holder of the Permit at least ten days prior to the revocation.

Subdivision 5: Stormwater Pollution Prevention Plan (SWPPP)

No permit shall be issued unless a Stormwater Pollution Prevention Plan is submitted to and approved by the Zoning Department. All Stormwater Pollution Prevention Plans shall include the following:

1. The SWPPP shall be prepared by an individual who has received training by an accredited governmental agency, professional organization, or educational institution in erosion prevention, sediment control, permanent stormwater management and the MN NPDES/SDS Construction Stormwater Permit. This individual shall sign the SWPPP with a certification statement that the individual meets the requirement of this clause.
2. Delineation of the subject property, including all public and private easements thereon, the location of existing and proposed buildings, structures and impervious surfaces on the subject property, including quantities of impervious surface for both pre- and post-construction/activity, and the building bench elevations for all existing and proposed buildings.
3. Description of the Construction Activity or Land Disturbing Activity to be performed on the subject property, including the area and volume of earth material to be moved, and proposed Project schedule.
4. Identification of all water bodies located on and within 100 feet of the subject property's boundaries, including identification of any off-site receiving waters for the permit site's runoff.
5. Identification of all wetlands located on the subject property.
6. Identification of existing and proposed site drainage areas, including any contributing runoff from off-site, and show drainage patterns using arrows depicting direction of flow for surrounding properties.
7. Topographical data, including existing (dashed) and proposed (solid) contours at vertical intervals of not more than two feet.
8. Temporary benchmarks shall be established within the boundaries of the project area. All elevations, topography and vertical control data shall be tied to sea level datum, 1929 general adjustments.
9. All erosion and sediment control, construction debris/waste control and stormwater management shall conform to this section and the current requirements of the NPDES Construction Stormwater General Permit issued by the MPCA.
10. Supporting information including designs, calculations/quantification and narrative pertaining to BMPs for erosion and sediment control, construction debris/waste control, temporary and permanent/post-construction stormwater management.
11. Applicant shall identify the party responsible for implementing the SWPPP, and for maintenance and inspection during Land Disturbing Activity.
12. Identification of the party responsible for long-term operation and maintenance of the permanent stormwater management system.
13. Description of BMP inspection schedule by the responsible party, which shall include, at a minimum:

- A. Once every 7 days on exposed soil areas
 - B. Within 24 hours after a ½ inch rain event over 24 hours
 - C. Once every 30 days on stabilized areas.
 - D. As soon as runoff occurs or prior to resuming construction on frozen ground.
14. Description of BMP maintenance schedule by the responsible party, which shall include, at a minimum:
- A. When sediment reaches 1/3 the height of the BMP on perimeter control devices, sediment must be removed within 24 hours.
 - B. If the perimeter control device is not functional it must be repaired or replaced within 24 hours.
 - C. Temporary sediment basins shall be maintained when sediment reaches 1/2 the outlet height or 1/2 the basin storage volume. Basin must be drained or sediment removed within 72 hours.
 - D. Sediment tracked from construction site vehicle entrance and exit locations must be removed from paved surfaces within 24 hours of discovery.
15. Before a Permit is issued, the applicant must submit to the Zoning Department a copy of the applicant's NPDES Construction Stormwater Permit issued by the MPCA and any other supporting documentation.

Subdivision 6: Compliance with Plan

1. Compliance required. The applicant shall implement and comply with the Stormwater Pollution Prevention Plan (SWPPP) prior to and during any Construction Activity and Land Disturbing Activity to which the Permit and this Section applies. All erosion and sedimentation control and tree preservation measures required under the SWPPP shall be properly installed and remain in place until all Construction Activity and Land Disturbing Activity is completed and final stabilization has occurred, or until a written request for removal of the protection measures provided for in the SWPPP is made to and approved by the Zoning Department. Permanent erosion control and stormwater management devices identified in the SWPPP shall remain in place after construction, and shall be under a long-term maintenance agreement which must be signed by the applicant before a Permit is issued. The applicant/owner shall be responsible for inspections and maintenance of temporary and permanent BMPs related to the Project. Failure to comply with the approved terms and conditions of an SWPPP shall constitute a violation of the Permit and this Section. To remain in compliance, the applicant must amend the SWPPP as necessary to include additional or modified BMPs designed to correct problems identified or to address erosion, sedimentation and/ or construction debris/waste control issues, and shall keep all site plans (and Stormwater Management Plan documentation) up to date with regard to stormwater runoff controls, and shall provide such plans and documents to the Zoning Department.

2. In the event the Zoning Department determines that the permit holder is not in compliance with the Permit and the SWPPP, the County may order the suspension of any Land Disturbing Activity or Construction Activity on the subject property until compliance with the SWPPP has occurred. The stop-work Order will be provided to the project manager and/or operator either in person or by U.S. mail, with a copy provided by electronic mail or U.S. mail to the property owner. The permit holder shall immediately comply with such order until notified by the Zoning Department that the subject property is in compliance and that Land Disturbing Activities and Construction Activities may resume.

Subdivision 7: Financial Guarantee

Once a Stormwater Pollution Prevention Plan (SWPPP) is approved, a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of site grading and erosion/sediment control costs shall be submitted to the County. This guarantee is necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the SWPPP. The Permit and all other associated land use approvals, including final plat approval or issuance of a conditional or interim use permit, shall not be granted until a financial guarantee has been submitted to the County. Release of any portion of the financial guarantee is contingent on approval from a professional engineer that as built conditions meet original design specifications and a site visit by County staff is conducted to evaluate the condition of erosion and sediment control measures.

Subdivision 8: Permit Transfer/Modification

Where the responsible party under the Permit changes, such as when ownership of the property changes, or when an original developer sells portions of the property to various homebuilders, or when the project manager or operator changes, the new permittee must submit a Subdivision Registration or Permit Transfer/Modification form to the Zoning Department.

Subdivision 9: Termination of Coverage

Permittees wishing to terminate coverage under the Permit must submit to the Zoning Department a copy of the Notice of Termination that the permittee must provide to the MPCA in connection with the permittee's NPDES permit. Compliance with the Permit is required until a Notice of Termination is submitted.

Subdivision 10: Post-Construction Stormwater Management

The following volume control standards shall be required for all Construction Activities where one acre or more new impervious surfaces is created and/or redeveloped, and for all Land Disturbing Activities of one (1) acre.

1. All new development projects shall retain on-site a runoff volume equal to 1 inch from the proposed increase of impervious surfaces. No net increase from pre project conditions (on an annual average basis)of:
 - A. Stormwater discharge volume, unless precluded by the Stormwater Management limitation in (6) below.
 - B. Stormwater discharge of Total Suspended Solids (TTS)
 - C. Stormwater discharge of Total Phosphorus (TP)

2. Redevelopment projects. A net reduction from pre-project conditions (on an annual average basis) of:
 - A. Stormwater discharge volume. Unless precluded by the stormwater management limitations in 6) below.
 - B. Stormwater discharges of TSS
 - C. Stormwater discharges of TP

3. Green Infrastructure techniques and practices shall be given preference as design consistent with zoning and subdivision and planned unit development requirements.

4. Infiltration prohibited. The use of infiltration techniques are prohibited when the following infiltration structural stormwater BMP will receive discharges from, or be constructed in the following areas:
 - A. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit.
 - B. Where vehicles fueling and maintenance occur.
 - C. With less than (3) thee feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - D. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating of stormwater.

5. Infiltration restricted. The use of infiltration techniques will be restricted when the infiltration device will be constructed in the following areas:
 - A. With predominately Hydrologic Soil Group D (clay) soils
 - B. Within 1,000 feet up-gradient, or 100ft down-gradient of active karsk features.
 - C. Within a Drinking Water Supply Management Area as Defined in MN Rule 4720.5100 Subp 13.
 - D. Where soil infiltration rates are more than 8.3 inches per hour.
In these restricted areas, a higher level of engineering reviews required. The County may require additional engineering and or testing to ensure that infiltration basins will perform properly and ground water is adequately protected.

6. Linear project. A reasonable attempt must be made to obtain right-of-way precludes the installation of volume control practices. For Linear projects where the lack of right-of-way precludes the installation of volume control practices, exceptions as described in 7) below can be applied.
7. Exemptions. A lesser volume control standard on the site of existing development may be applied at the discretion of the County under the following circumstances:
 - A. The owner and/or the operator of a Project is precluded from infiltrating stormwater thorough a designed system due to limitations under 4, 5 or 6 above, and
 - B. The owner and/or operator of the Project implements volume reduction techniques, other than infiltration, on the site of the original Construction Activity that reduces stormwater discharge volume but may not meet the requirements of post-construction stormwater management.
8. Mitigation. If the owner and/or operator of a Project believe that the requirements for TP and/or TSS cannot be met on the site of the original Construction Activity. The owners and/or operator must provide appropriate documentation to the Zoning Department as support. Stormwater discharges that do not meet the TP and/or TSS standards on the site of the original Construction Activity must be met through mitigation. At the Zoning Administrator's discretion, off site mitigation may be allowed. The owner and operator of a Construction Activity must identify location where mitigation projects can be completed. The proposed mitigation must meet the following standards:
 - A. Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the county:
 - i. Locations that yield benefits to the same receiving water that receives runoff from the original Construction Activity
 - ii. Location within the same Department of the Natural Resources (DNR) catchment area as the original Construction Activity.
 - iii. Locations in the next adjacent DNR catchment area up-stream
 - iv. Locations anywhere within Sherburne County.
9. Maintenance of private structural BMPs. Any structural BMP that the County determines to be private shall meet the following requirements:
 - A. The County may require that a permanent public easement be provided to the County for access for inspection and/or maintenance purposes. Cost incurred by the County for any maintenance of private systems will be billed and/or assessed to the owner/operator.

- B. Recorded inspection and maintenance agreements that define inspection and maintenance responsibilities are required. A minimum annual inspection for private systems shall be required. These requirements are transferrable to any party that becomes the owner/Operator of the site.
- C. If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to meet the requirements of this section.

Subdivision 11: Enforcement

For violations of this Ordinance, the County may take any of the actions provided for in this Section. These actions shall not be deemed cumulative and the County may use any or all of the actions in its discretion.

1. **Warning Notice.** The Zoning Department may issue a warning notice to any person, landowner, Project operator and/or permittee alleged to have committed a violation of this Ordinance. A warning notice shall serve to place the person on notice that compliance with specified Ordinance requirements shall occur to avoid additional enforcement actions. A warning notice may be served in person or by certified mail. The Zoning Department is not required to issue a warning notice before the County proceeds with other enforcement action.
2. **Notice of Violation (NOV).** The Zoning Department may issue a notice of violation (NOV) as defined in this Ordinance to any person, landowner, Project operator and/or permittee alleged to have committed a violation of this Ordinance. A NOV shall serve to place the landowner and the person alleged to have committed a violation on notice that compliance with specified Ordinance requirements shall occur to avoid additional enforcement actions. The NOV may be served in person or by certified mail. The Department is not required to issue a NOV before the County proceeds with other enforcement action.
3. **Misdemeanor Citation.** Any person within the County who violates this Ordinance, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. The County, MPCA, Law Enforcement Officers, or their designees, may issue citations for violations of this Ordinance. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to the supervisor at the site of the violation or any officer or MPCA expressly implied authorized to accept such issuance.
4. **Commencement of a Civil Court Action.** In the event of a violation or a threat of violation of this Ordinance, the County Attorney may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, correct or abate such violations or threatened violations. The County may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance through a civil action. If a property owner

does not complete the corrective actions within the timelines in a court order, the County may correct the violations and the County has the authority to enter the property and perform the corrective actions.

Subdivision12: Permit Fees

The fees for the Permit required by this Ordinance will be established by the Sherburne County Board of Commissioners as part of the County Fee Schedule.

SECTION 17.5 - SUBSURFACE SEWAGE TREATMENT SYSTEM PROGRAM

This is a section authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:

- 1) Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Sherburne County that do not administer a separate SSTS Ordinance, incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency;
- 2) Requirements for issuing permits for installation, alteration, repair or expansion of SSTS;
- 3) Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan;
- 4) Standards for upgrade, repair, replacement, or abandonment of SSTS;
- 5) Penalties for failure to comply with these provisions;
- 6) Provisions for enforcement of these requirements, and
- 7) Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Zoning and Shoreland Ordinance.

Subdivision 1:	Purpose and Authority
Subdivision 2:	Definitions
Subdivision 3:	General Provisions
Subdivision 4:	General Requirements
Subdivision 5:	SSTS Standards
Subdivision 6:	SSTS Permitting
Subdivision 7:	Management Plans
Subdivision 8:	Compliance Management
Subdivision 9:	Enforcement
Subdivision 10:	Record Keeping
Subdivision 11:	Annual Report
Subdivision 12:	Fees
Subdivision 13:	Interpretation
Subdivision 14:	Severability
Subdivision 15:	Abrogation and Greater Restrictions
Subdivision 16:	Ordinance Repealed
Subdivision 17:	Adoption

Subdivision 1: Purpose and Authority

1. Purpose

The purpose of this section is to establish minimum requirements for regulation of ISTS and MSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of Sherburne County citizens by protecting their health, safety, general welfare, and natural resources.

2. Intent

It is intended by the County that this section will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Sherburne County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County .
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.

- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

3. Authority

This section is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082 or successor rules.

Subdivision 2: Definitions

The following words and phrases shall have the meanings ascribed to them in this Subdivision. If not specifically defined in this Subdivision, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

Authorized Representative: An employee or agent of the County Planning and Zoning Department.

Board of Adjustment: A board established by county ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

Cluster System: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

County: Sherburne County, Minnesota.

County Board: The Sherburne County Board of Commissioners.

Department: The Sherburne County Planning and Zoning Department.

Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 5 hereof.

Imminent Threat to Public Health and Safety: At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 5 hereof.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

MSTS: A “midsized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

MPCA: Minnesota Pollution Control Agency

Notice of Noncompliance: A written document notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

Record Drawings: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Sewage: Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS: Subsurface sewage treatment system Including an ISTS, MSTS or LSTS.

State: The State of Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

Type I System: An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System: An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System: An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard type I soil treatment and dispersal system.

Type IV System: An ISTS having an approved pretreatment device and incorporating pressure distribution and dosing.

Type V System: An ISTS designed by a professional engineer that does not meet the prescriptive designs for Type I-IV. Type V systems must meet the public health and safety standards of 7080.1500.

Subdivision 3: General Provisions

1. Scope

This section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved Type I, Type II, Type III, Type IV or Type V SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

2. Jurisdiction

The jurisdiction of this section shall include all lands of the County except for incorporated and unincorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their jurisdiction which is at least as strict as this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance. The County Planning and Zoning Department shall keep a current list of local jurisdictions within the County which administer an SSTS program.

3. Administration

A. County Administration

The County Planning and Zoning Department shall administer the SSTS program and all provisions of this section. At appropriate times, the County shall review and revise and update this section as necessary. The County shall employ qualified and appropriately certified professionals to administer and operate the SSTS program.

B. State of Minnesota

Where a single SSTS or group of SSTS under single ownership within one-half mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required.

SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this section.

4. Validity

The validity of any part of this section shall not be affected by the invalidity of any other parts of this section where the part can be given effect irrespective of any invalid part or parts.

5. Liability

Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

Subdivision 4 General Requirements

1. Retroactivity

A. All SSTS

Except as explicitly set forth in Subd 4, Item 1B, all provisions of this section shall apply to any SSTS regardless of the date it was originally permitted.

B. Existing Permits

Unexpired permits which were issued prior to the effective date of this section shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.

C. SSTS on Lots Created After January 23, 1996

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, or at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.

D. Existing SSTS without Permits

Any existing SSTS with no permit of record that was installed prior to 1996 shall be allowed to continue operation until such time as the system is deemed to be “non-compliant” with any provision of this section.

2. Upgrade, Repair, Replacement, and Abandonment

A. SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this section at the time of the expansion.

B. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within (18) months of receipt of a Notice of Noncompliance unless required sooner by other provisions of this section.

C. Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the

provisions of this Ordinance within (10) months of receipt of a Notice of Noncompliance unless required sooner by other provisions of this section.

D. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

3. SSTS in Floodplains

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

4. Class V Injection Wells

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

5. SSTS Practitioner Licensing

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

6. Prohibitions

A. Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building that is provided with a wastewater treatment system that does not comply with the provisions of this section.

B. Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

C. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground.

D. Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

Subdivision 5: SSTS Standards

1. Standards Adopted by Reference

The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

2. Amendments to the Adopted Standards

A. List of Adopted Standards

The following is a list of standards that are stricter than the minimums required under MN.Rules Chapters 7080 through 7082:

- 1) Certificate of Compliance required at time of property transfer. This certificate must be presented when filing the Certificate of Real Estate Value. (Subd 8 Item 2A-1a of this section)
- 2) Certificate of Compliance required to obtain a building permit with the following exception: A new certificate of compliance will not be required if a certificate has been issued within the previous ten (10) years for the SSTS serving the property. (Subd 8 Item 2A-1 and 2 of this section)
- 3) The County will not accept a five (5) foot separation between distribution media and seasonal high water or a limiting layer in lieu of pressure distribution or multiple trenches using serial distribution.

B. Determination of Hydraulic Loading Rate and SSTS Sizing

Either Table IX entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" or Table IXa entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from

Minnesota Rules, Chapter 7080.2150, Subp. 3(E) and herein adopted by reference shall be used to size SSTS infiltration areas.

C. Compliance Criteria for Existing SSTS

SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this section. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. 7080.1500, Subp.4

D. Holding Tanks

A holding tank may be allowed for the following applications:

1. As a replacement for an existing failing SSTS if it is determined by a licensed designer and the Zoning Department that an SSTS permitted under this section cannot be feasibly installed;
2. As a sewage disposal system for an existing seasonal property;
3. As a receptacle for a flammable waste trap;
4. As a receptacle for other non-residential waste.

* A holding tank will not be allowed for a new house, nor may an existing residence with a holding tank be expanded to include additional sleeping areas.

3. Variances

A property owner may request a variance from the standards specified in this section pursuant to Section 18, Subdivision 3 of the Sherburne County Zoning Ordinance, or its successors.

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to requirements of the State Agency.

Subdivision 6 SSTS Permitting**1. Permit Required**

It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Sherburne County Planning and Zoning Department. The issuing of any permit or variance under the provisions of this section shall not absolve the applicant of responsibility to obtain any other required permit.

2. Construction Permit**A. Activities Requiring a Construction Permit**

A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

B. Activities Not Requiring a Permit

A construction permit is not required for repair or replacement of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

C. Permit Application Requirements

Construction Permit applications shall be made on forms provided by the Planning and Zoning Department and signed by the applicant and/or an appropriately licensed practitioner and include the practitioner's license number and date of expiration. The applications shall include the documents listed in items A through E below.

1. Name, mailing address, telephone number.
2. Property Identification Number and address or other description of property location.
3. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730
4. Design Report as described in Minnesota Rules, Chapter 7080.2430.
5. Management Plan as described in Minnesota Rules, Chapter 7082.0600.

D. Application Review and Response

The Department shall review a permit application and supporting documents.

Upon satisfaction that the proposed work will conform to the provisions of this

section, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. If the permit application is incomplete or does not meet the requirements of this section the Department shall deny the application.

E. Appeal

The applicant may appeal the Department's decision to deny the construction permit in accordance with the County's established policies and appeal procedures as stated in the Sherburne County Zoning Ordinance, Section 18, Subd 3, Item 6A.

F. Permit Expiration

The construction permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification by a qualified employee of the Department that the construction or installation of the system was completed in reasonable conformance with the approved design documents.

G. Extensions and Renewals

The Department may grant an extension of the construction permit if the construction has commenced prior to the original expiration date of the permit.

H. Transferability

A construction permit shall not be transferred to a new owner. The new owner must apply for a new construction permit in accordance with this section.

I. Suspension or Revocation

The Department may suspend or revoke a construction permit issued under this section for any false statements, misrepresentations of facts on which the construction permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained.

3. Operating Permit

A. SSTS Requiring an Operating Permit

An operating permit shall be required of all owners of new holding tanks, Type IV or Type V systems, MSTS or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a holding tank or MSTS until the Planning and Zoning Department certifies that the MSTS or holding tank was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS, and a valid operating permit is issued to the owner, as specified in Minnesota Rules, Chapter 7082.0600, Subp.2.

B. Permit Application Requirements

1. Application for an operating permit shall be made on a form provided by the Planning and Zoning Department including:

- a) Owner name, mailing address, telephone;
- b) Construction Permit reference number and date of issue;
- c) Final record drawings of the treatment system;
- d) Owners of holding tanks must submit a copy of a monitoring and disposal contract with a licensed maintenance business.

2. Monitoring and Disposal Contract

Owners of holding tanks installed after the effective date of this ordinance shall provide to the Planning and Zoning Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with *Minnesota Rules, Chapter 7082.0100, Subp. 3G*. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).

C. Department Response

The Department shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Department. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

D. Permit Expiration and Renewal

1. Operating permits shall be valid for the specific term stated on the permit as determined by the Department.

E. Amendments to Existing Permits Allowed

The County may amend an existing permit if an amendment is necessary to eliminate an imminent threat to public health or safety or at the request of the permit holder, if deemed appropriate by the Planning and Zoning Department.

F. Suspension or Revocation

1. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the operating permit was issued.
2. Notice of suspension or revocation and the reasons for such action shall be conveyed in writing to the owner.
3. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Subd 4 Item 2D.
4. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

G. Compliance Monitoring

1. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
2. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - a) Owner name and address
 - b) Operating permit number
 - c) Average daily flow since last compliance monitoring report
 - d) Description of type of maintenance and date performed
 - e) Description of samples taken (if required), analytical laboratory used, and results of analyses
 - f) Problems noted with the system and actions proposed or taken to correct them
 - g) Name, signature and license number of the licensed professional who performed the work

4. System Abandonment

A. Abandonment Requirements

1. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500.

Subdivision 7: Management Plans

1. Management Plan Requirements

A. SSTS Requiring Management Plans

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the construction permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

B. Required Contents of a Management Plan

Management plans must include all requirements contained in Minnesota Rules, Chapter 7082.0600, Subp.1(B)

C. Requirements for Systems not operated under a Management Plan

SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected at least every three (3) years and provide for the removal of solids if needed. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

Subdivision 8: Compliance Management

1. Public Education Outreach

Programs shall be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

2. Compliance Inspection Program

A. Department Responsibility

The Department, or its agents, shall periodically perform various SSTS compliance inspections to determine compliance with this section.

1. A “Certificate of Compliance” must be provided as evidence of meeting the requirements of this ordinance for the following reasons:
 - a) For a property transfer, at the time a Certificate of Real Estate Value (CRV) is filed, unless:
 1. The tract of land is vacant (without buildings) or contains no buildings with plumbing fixtures connected to an SSTS;
 2. The sale of land is exempt from the requirements that a CRV be filed with the County Auditor, as per MN Statute Sec 272.115;
 3. The dwelling unit’s plumbing fixtures are connected to a County or MPCA approved shared community wastewater treatment system.
 - b) When a building permit is applied for unless:
 1. The dwelling unit’s plumbing fixtures are connected to a County or MPCA approved shared community wastewater treatment system;
 2. The building permit application is for a re-roof or re-siding; or for a furnace, fireplace or other mechanical or plumbing repair or replacement;
 3. The building permit application is for handicapped accessibility improvement.

For building permits only, a new certificate of compliance will not be required if a certificate has been issued within the previous ten (10) years for the SSTS serving the property.
 - c) Upon completion of any new or replacement SSTS, before the system is put into service.
 - d) For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by MPCA.
 - e) Escrow. For transactions occurring between the time period of December 1 through May 1, the buyer may be allowed to escrow funds to complete a compliance inspection, and if necessary, a

sewer upgrade by no later than June 15. This will only be allowed if the buyer can obtain a signed letter of understanding prior to closing from the Sherburne County Zoning Administrator or his/her appointees.

2. All compliance inspections must be performed and signed by a licensed inspection business or qualified employee certified as an inspector.
3. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.

The Department shall notify the owner of the Department's intent to inspect the SSTS at least one (1) day in advance of the intended inspection.

4. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

B. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a) When a construction permit is required to repair, modify, or upgrade an existing system;
 - b) Any time there is an expansion or change of use of the building or property being served by an existing SSTS which may impact the performance of the system;
 - c) At any time as required by this Ordinance or when the Department deems appropriate, such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA, or on other forms acceptable to the Department.
3. The certificate of compliance must include a statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
4. The certificate of compliance or notice of noncompliance must be submitted to the owner and the Department no later than (15) calendar days after the date the inspection was performed.

C. Dispute Resolution

If a documented discrepancy arises on the depth of periodically saturated soils between SSTS licensed businesses or between an SSTS licensed business and the County, the dispute resolution procedures outlined in Minnesota Rules Chapter 7082.0700, Subp 5 must be followed.

Subdivision 9: Enforcement

1. Violations

A. Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this section, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes.

B. Notice of Violation

The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this section. The notice of violation shall contain:

- 1) A statement documenting the findings of fact determined through observations, inspections, or investigations;
- 2) A list of specific violation(s) of this section;
- 3) Specific requirements for correction or removal of the specified violation(s);
- 4) A mandatory time schedule for correction, removal and compliance with this ordinance.

C. Stop Work Orders

Stop work orders may be issued when the 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 such an order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the order lifted.

2. Prosecution

In the event of a violation or threatened violation of this section, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this section.

3. Costs and Reimbursements

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees. At the discretion of the County Board, the cost of an enforcement action under this ordinance may be assessed and charged against the real property on which the imminent threat to public health or safety was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

Subdivision 10: Record Keeping

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

Subdivision 11: Annual Report

The department shall provide an annual report of SSTS permitting activities as required by MPCA for the previous calendar year.

Subdivision 12: Fees

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this section. Fees shall be due and payable at a time and in a manner to be determined by the Department.

Subdivision 13: Interpretation

In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Subdivision 14: Severability

If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of law, the remainder of this section shall not be affected and shall remain in full force.

Subdivision 15: Abrogation and Greater Restrictions

It is not intended by this section to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

Subdivision 16: Ordinance Repealed

Sherburne County Zoning Ordinance, Section 17 General Development Regulations, Subdivision 1 Sewer and Water, for the regulation of Individual Sewage Treatment Systems of the County is hereby repealed.

Subdivision 17: Adoption

The Sherburne County Zoning Ordinance, Section 17.5 Subsurface Sewage Treatment Program was adopted by the Sherburne County Board of Commissioners on the 5th day of April, 2011.

SECTION 18 - ADMINISTRATION AND ENFORCEMENT

Subdivision 1:	Building Official
Subdivision 2:	Zoning Administrator
Subdivision 3:	Board of Adjustment
Subdivision 4:	Amendments and Rezonings
Subdivision 5:	Conditional Use Permits
Subdivision 6:	Interim Use Permits
Subdivision 7:	Building Permit, Certificate of Occupancy
Subdivision 8:	Violations, Penalties and Enforcement

Subdivision 1: Building Official

1. The office of the Building Official is hereby established, for which the Board of County Commissioners may appoint such employee or employees of the County as it may deem proper.
2. The duties of the Building Official shall include the following:
 - A. Act as head Building Inspector for the County
 - B. Assist the Zoning Administrator with enforcing and administering this Ordinance
 - C. Issue Building Permits and Certificates of Occupancy and maintain records thereof
 - D. Inspect all construction to insure that the standards of this Ordinance are being complied with
3. When any work shall have been stopped by the Building Official for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.

Subdivision 2: Zoning Administrator

1. The office of the Zoning Administrator is hereby established for which the Board of County Commissioners may appoint such employee or employees of the County as it may deem proper.
2. The duties of the Zoning Administrator shall include the following:
 - A. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for Conditional Use Permits
 - B. Receive and forward all applications and petitions for matters to come before the Board of Adjustment
 - C. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for amendments to this Ordinance
 - D. Inspect all development to insure that the standards of this Ordinance are being complied with
 - E. Provide and maintain a public information bureau relative to matters arising out of this Ordinance, and
 - F. Maintain the County Zoning Map
3. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
4. It shall be the duty of the County Attorney and the Sheriff of Sherburne County when called upon by the Zoning Administrator, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 3: Board of Adjustment

1. **The Board of Adjustment** shall be responsible for the following:
 - A. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator with respect to the administration of this Ordinance.
 - B. To order the issuance or denial of variances for the provisions of this Ordinance.

- C. To hear appeals from the Zoning Administrator's determination of the exact location of a zoning district boundary line.
2. **Creation and Membership:** Board is hereby established and vested with such authority as is hereinafter provided and provided by Minnesota Statutes, Chapter 394. Such Board shall consist of at least seven (7) members of which at least two (2) are members of the County Planning Advisory Commission, excluding any elected officer of the County or employees of the Board of County Commissioners. The Board shall be appointed for three (3) year terms.
3. **Rules of Procedures:** The Board shall operate in accordance with adopted Rules of Procedures (County Resolution #xxx) or successor Resolution.
4. **Meetings:** The meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board in its Rules of Procedure may specify. The applicant or their agent must be present at the public hearing at which their application is considered, or action on the application will be tabled unless waived by the Board of Adjustment. If the applicant is not present at the meeting and has not waived their rights under Minnesota Statutes §15.99 in writing, the Board must take action.
5. **Notification:** Written notice of time, place and purpose of the public hearings shall be published in the official newspaper, designated by the County Board of Commissioners. Notices will be sent to the landowner, applicant, and owners of record within the distances specified in Minnesota Statute 394.
6. **Appeals:** An appeal, as provided for within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Upon receipt of the complete application and all supporting information, the Zoning Administrator shall refer said application, along with all related information, to the Board of Adjustment and Appeals for consideration.
- A. The application shall be accompanied by information which may be necessary or desirable, including, but not limited to the following:
1. The particular order, requirement, decision or determination from which the appeal is taken.
 2. The name and address of the appellant.
 3. Identify the grounds for the appeal.
 4. The relief requested by the appellant.

5. Identification of unique circumstances present which merit exception from the usual and customary application of the law and form the basis for the appeal.
 - B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment and Appeals, to whom the appeal is taken, certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.
 - C. The Zoning Administrator, on behalf of the Board of Adjustment and Appeals, shall set a date for a hearing of the appeal and give due notice thereof to the appellant, the officer whose decision is being appealed, and the public.
 - D. The Board of Adjustment and Appeals shall consider the appeal and hold such hearing at its next regular meeting. The appellant and officer from whom the appeal is taken shall appear before the Board of Adjustment and Appeals in order to answer questions concerning the appeal.
 - E. Within sixty (60) days from the date of the receipt of the complete application for the appeal, the Board of Adjustment and Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and, to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board of Adjustment and Appeals' decisions shall be stated in writing.
 - F. All decisions by the Board of Adjustment and Appeals in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person(s) shall have the right to appeal the decision to the district court.
7. **Variances:** A variance to the provisions of this Ordinance may be issued to a landowner upon application to the Board of Adjustment under the following procedures and criteria:
 - A. Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one (1) year after the date of denial.
 - B. A variance shall expire and be considered null and void one (1) year after the Board of Adjustment's final decision to grant the variance if no Building Permit has been obtained from the Building Official.

- C. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- D. No variance may be granted that would allow for a lesser degree of flood protection than required in the Ordinance.
- E. Submittal Requirements:
 - 1. Variance Application
 - 2. Site plan that includes a survey or aerial photograph showing all existing and proposed buildings, well, septic system, driveway and impervious surface.
 - 3. Properties in the Flood Plain or Shoreland District Survey is required.
 - 4. A Certificate of Septic Compliance. If the septic system has not had a passing septic compliance check within the past ten (10) years, a septic compliance check must be completed. If the septic system is not in compliance with state regulations, the septic system must be upgraded before the Board of Adjustment will consider a variance application to be complete.
 - 5. A completed Comment Form by the applicable Town Board
 - 6. Any additional information required by the Zoning Administrator specific to the variance request.
- F. Completeness required. If the application is deemed complete, the application shall be referred to the Board of Adjustment for review. If the application is not complete, the Zoning Administrator, or their delegate shall send a letter to the applicant, with the form attached, stating the information that must be provided to complete the variance request form.
- G. Variances shall only be permitted if all the following criteria are met:
 - 1. Granting the variance will not be in conflict with the comprehensive plan.
 - 2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control.

3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State law.
5. The variance requested is the minimum variance which would alleviate the practical difficulty.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance.

H. Variance in the Flood Plain:

1. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
2. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

3. Variances shall not be issued by a county within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - a. Variances shall only be issued by a county upon: a showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- I. The Board of Adjustment may impose conditions that are directly related to and bear a rough proportionality to the impact created by the variance.
 - J. Notice and Certification of Final Action:
 1. Findings of Fact. In conducting a public hearing on a variance application, the Board of Adjustment shall make a written findings of fact on each application.
 2. Recording. After acting on a variance application, the Board of Adjustment shall forward to the Zoning Administrator the written findings of fact and their order regarding the application. The Zoning Administrator shall then file a certified copy of the Board of Adjustment's order with the Sherburne County Recorder.
 3. After recording, a copy of the Board of Adjustment's order shall be sent to the Township Board of Supervisors of the Township in which the application was made.
 4. Shoreland Overlay District. In instances where the affected property is located within the Shoreland Overlay District, a copy of the final decision granting a variance shall be sent to the Department of Natural Resources and postmarked within ten (10) days of the final action.

5. Scenic and Recreational River District. In instances where the affected property is located within the Scenic River District, the Department of Natural Resources shall be notified within ten (10) days of the final action. Action by the Board of Adjustment shall become final only when the provisions of Minnesota Rules, part 6105.0230, subpart 3; or successor rules, have been satisfied.
 6. Floodplain Overlay District. In instances where the affected property is located within the Floodplain Overlay District, a copy of the final decision granting a variance shall be forwarded by mail to the Commissioner of the Department of Natural Resources within ten (10) days of the final action.
- K. 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 thirty (30) days, after receipt of notice of the decision, to District Court in the county in which the land is located on questions of law and fact.
- L. Incomplete Applications: Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.

Subdivision 4: Amendments and Rezonings

1. **Application:** This Ordinance or the Official Zoning Map may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section. Amendments to the boundaries of a zoning district on the Official Zoning Map are known as "rezonings."

Proceedings for amendment of this Ordinance shall be initiated by:

- A. A petition of the owner or owners of the actual Property, or
 - B. A recommendation of the County Planning Commission, or
 - C. By action of the Board of County Commissioners
2. **Filing:** An application for an amendment or rezoning shall be filed with the Zoning Administrator. All applications for rezonings that are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accomplished by

a map or plat showing the lands proposed to be changed and all land within one half (1/2) mile of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appears on the records of Sherburne County. *Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.*

3. **Notification of Proposed Rezoning:** The notification of public hearings shall conform to Minn. Statutes 394.2620 as amended.
4. **Public Hearing:** Upon receipt in proper form of the application and other requested material, the Sherburne County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County.
5. **Consideration:** Following the public hearing, the County Planning Commission shall make a report of its consideration and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator. Consideration of a rezoning request shall include without limitation, the following:
 - A. Is the proposed rezoning consistent with the Comprehensive Plan?
 - B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?
 - C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?
 - D. How will public services (e.g. transportation, schools, parks, and police/fire) be impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?
 - E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?
 - F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?
 - G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?
 - H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate.
6. **Fees:** To defray the administrative cost of processing of requests for an amendment to this Ordinance, a fee not exceeding administrative costs shall be paid by the petitioner. Such a fee shall be determined by the Board of County Commissioners.
7. **Submission Requirements:**
 - A. Township Comments
 - B. Vicinity Map

- C. Legal Description
- D. A detailed statement providing the applicant's reason for the request

Subdivision 5: Conditional Use Permits

1. Application:

Conditional Use Permits (CUP) may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance. Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.

An application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Board of County Commissioners. The applicant shall provide the following written information in order for a CUP application to be complete:

- A. A complete CUP application form signed and dated by the applicant and property owner(s) and pay all applicable fees
- B. Written description of the activities
- C. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery and equipment to be used on the property
- D. Days and hours of operation
- E. Number of employees using the property, including sub-contractors (full-time and part-time)
- F. Site plan, including:
 - I. A survey or aerial photograph showing all existing and proposed buildings, well, septic system (or other restroom facilities), outside storage area(s), driveway access(s), and any public or private easements
 - II. Existing and proposed screening (if required). Screening may consist of coniferous trees not less than 6' in height, planted not less than 8' apart and/or a non-transparent fence not less than 6' in height
 - III. Existing and proposed signage, including a dimensional diagram of proposed signage
- G. A Certificate of Septic Compliance. If the septic system is older than ten (10) years and has not had a passing septic compliance check within the past ten (10) years, A septic compliance check must be completed. If the septic system is not

in compliance with state regulations, the septic system must be upgraded before the Planning & Zoning Department will consider a CUP application to be complete.

- H. Written description of any maintenance to take place on-site, including how hazardous materials will be stored and disposed of
- I. A certificate of insurance
- J. Wetland Impact approval (if applicable)
- K. A completed Comment Form by the applicable Town Board
- L. Any additional information required by the Zoning Administrator specific to the CUP request

2. Notification and Public Hearing:

The notification for public hearings shall conform to Minn. Statutes 394.2620 as amended.

3. Findings:

No Conditional Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

- 1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
- 2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- 5. That 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 lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

4. **Report to the County Board:**

For each application for a Conditional Use Permit where applicable, the County Planning Commission shall report to the Board of County Commissioners its finding and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board of Commissioners *may* hold a public hearing and shall make a decision upon the proposal to grant or deny a Conditional Use Permit.

5. **Fees:**

The applicant shall pay all CUP and recording fees as determined by the County Board in the Fee Ordinance. All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, non-refundable. As a condition of approval of the CUP, the County Board may require an additional annual Inspection Fee as stated in the Fee Ordinance. The Annual Inspection Fee shall cover the cost of County Staff or their agent to inspect the property as required within the CUP's conditions of approval.

6. **Compliance:**

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. *If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.*

7. **Incomplete Applications:**

- A) Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.
- B) An application shall be considered incomplete if Township comments have not been submitted to the County.

Subdivision 6: Interim Use Permits

1. **Transferability:**

Any Interim Use Permit (IUP) issued under this Ordinance is granted solely to the applicant and the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- A. The sale of all or substantially all of the company assets
- B. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded
- C. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation
- D. Execution of a management agreement, or
- E. The change of any officer or majority stockholder if the company is a closely-held corporation.

2. Application:

Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.

An application for an Interim Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Board of County Commissioners. The applicant shall provide the following written information in order for a IUP application to be complete:

- A. A complete IUP application form signed and dated by the applicant and property owner(s) and pay all applicable fees
- B. Written description of the activities
- C. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery and equipment to be used on the property
- D. Days and hours of operation
- E. Number of employees using the property, including sub-contractors (full-time and part-time)

- F. Site plan, including:
 - I. A survey or aerial photograph showing all existing and proposed buildings, well, septic system (or other restroom facilities), outside storage area(s), driveway access(s), and any public or private easements
 - II. Existing and proposed screening (if required). Screening may consist of coniferous trees not less than 6' in height, planted not less than 8' apart and/or a non-transparent fence not less than 6' in height
 - III. Existing and proposed signage, including a dimensional diagram of proposed signage
- G. A Certificate of Septic Compliance. If the septic system is older than ten (10) years and has not had a passing septic compliance check within the past ten (10) years, A septic compliance check must be completed. If the septic system is not in compliance with state regulations, the septic system must be upgraded before the Planning & Zoning Department will consider a IUP application to be complete.
- H. Written description of any maintenance to take place on-site, including how hazardous materials will be stored and disposed of
- I. A certificate of insurance
- J. Wetland Impact approval (if applicable)
- K. A completed Comment Form by the applicable Town Board
- L. Any additional information required by the Zoning Administrator specific to the IUP request

3. **Notification and Public Hearing:**

The notification for public hearings shall conform to Minn. Statutes 394.2620 as amended.

4. **Findings:**

No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

- 1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That 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 lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

5. **Report to the County Board:**

For each application for an Interim Use Permit where applicable, the County Planning Commission shall report to the Board of County Commissioners its finding and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board of Commissioners *may* hold a public hearing and shall make a decision upon the proposal to grant or deny an Interim Use Permit.

6. **Fees:**

The applicant shall pay all IUP and recording fees as determined by the County Board in the Fee Ordinance. All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, non-refundable. As a condition of approval of the IUP, the County Board may require an additional annual Inspection Fee as stated in the Fee Ordinance. The Annual Inspection Fee shall cover the cost of County Staff or their agent to inspect the property as required within the IUP's conditions of approval.

7. **Compliance:**

Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. *If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.*

8. **Incomplete Applications:**

- A) Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.
- B) An application shall be considered incomplete if the Township comments have not been submitted to the County.

Subdivision 7: Building Permit, Certificate of Occupancy

1. Building Permit:

- A. Thereafter no person shall erect, alter, or move any building or part thereof without first securing a Building Permit therefor except that no permit will be required for structures listed as "Exempted Work" in the current edition of the "Minnesota State Building Code".
- B. Application for a building permit shall be made to the Building Official on blank forms to be furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by 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. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The Building Official shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance.
- C. State and County Road Access Permits from Mn/DOT and County Highway Engineer must be submitted at time of application.
- D. Building Permit fees and other fees as may be established by resolution of the Board of County Commissioners shall be collected by the Building Official for deposit with the County and credited to the general revenue fund.
 - 1. If a building permit application is denied, the permit fee shall be refunded to the applicant.
 - 2. If no inspections have been made and no work authorized by the permit has been performed, fifty percent (50%) of the permit fee may be refunded to the applicant upon request, provided that the permit is returned to the Building Official within ninety (90) days.

3. If work is commenced prior to obtaining a permit, the Building Official shall assess an investigation fee equal to the building permit fee, as permitted in the current edition of the Minnesota State Building Code.

2. Certificate of Occupancy:

- A. A certificate of occupancy shall be obtained before any non-agricultural building hereafter erected or structurally altered is occupied or used or the use of any such building is altered, as specified in the current edition of the Uniform Building Code.
- B. Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provision of law and this Ordinance. A record of all certified copies shall be furnished on request to any person having proprietary of tenancy in interest in the building or land affected.

Subdivision 8: Violations, Penalties and Enforcement

1. **Violations and Penalties:** Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to law.
2. **Enforcement:** This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
3. **Compliance:** No permit or other approval may be issued for any property on which there is a violation of any Sherburne County Ordinance, unless the Zoning Administrator determines that the permit is necessary to resolve the violation.
4. **Actions:** In the event of a violation or a threatened violation of this Ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
5. **Mandamus Proceedings:** Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SECTION 19 - DATE OF EFFECT

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

Passed and approved this 5TH day of July, 1994.

Lyle R. Smith

Chair, Sherburne County Board
of Commissioners

Attest: Lynn George
Sherburne County Coordinator

Effective Date: July 22, 1994

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
SEC 16, SUB 2, ITEM 40 CONDITIONAL USES	TEMPORARY MFG HOME FOR PARENTS, GRANDPARENTS, CHILDREN, SISTERS OR BROTHERS BY BLOOD OR ADOPTION	OCTOBER 19, 1994	NOVEMBER 1, 1994
SEC 7, SUB 5, ITEM 3 AG DISTRICT AND SEC 8, SUB 5, PAR 3 GENERAL RURAL DISTRICT	SIDE OR REAR, NON-FARM HOUSING ABUTTING AGRICULTURAL LAND - 250'	JUNE 6, 1995	JULY 1, 1995
SEC 5, SUB 2, DEFINITIONS SEC 10, SUB 3 COMMERCIAL DIST C.U.P.'S SEC 11, SUB 3 INDUST DIST C.U.P.'S SEC 16, SUB 1, ITEM 44 LIST OF C.U.P.'S	AN AMENDMENT TO THE ZONING ORDINANCE REGARDING THE ZONE USE AND LICENSING OF PAWN SHOPS	JUNE 6, 1995	JUNE 24, 1995
SEC 5 DEFINITIONS SUBD 2	ADD "AUTOMOBILE REPAIR SHOP"	APRIL 2, 1996	APRIL 14, 1996
SEC 5 DEFINITIONS SUBD 2	DELETE "DOG KENNEL" AND ADD "KENNEL, COMMERCIAL"	APRIL 2, 1996	APRIL 14, 1996
SEC 5 DEFINITIONS SUBD 2	ADD "SINGLE FAMILY RESIDENCE"	APRIL 2, 1996	APRIL 14, 1996
SEC 7 AGRICULTURAL DISTRICT SUBD 3	DELETE " 6. HOME OCCUPATIONS"	APRIL 2, 1996	APRIL 14, 1996
SEC 7 AGRICULTURAL DISTRICT SUBD 3 (28A)	ADD "WITH A MINIMUM WIDTH OF 150'."	APRIL 2, 1996	APRIL 14, 1996
SEC 7 AGRICULTURAL DISTRICT SUBD 3 (28D)	DELETE "SEC 16" ADD "SEC 17"	APRIL 2, 1996	APRIL 14, 1996
SEC 7 SUBD 4 ACCESSORY USES	ADD " 4. HOME OCCUPATIONS"	APRIL 2, 1996	APRIL 14, 1996
SEC 7 SUBD 5 (3) DIMENSIONAL REQUIREMENTS	ADD "SIDE OR REAR - AGRICULTURE 50' "	APRIL 2, 1996	APRIL 14, 1996
SEC 8 GENERAL RURAL DISTRICT SUBD 3 (2A)	ADD "WITH A MINIMUM WIDTH OF 100' "	APRIL 2, 1996	APRIL 14, 1996
SEC 8 GENERAL RURAL DISTRICT SUBD 3 (2D)	DELETE "SECTION 16" AND ADD "SECTION 17" .	APRIL 2, 1996	APRIL 14, 1996
SEC 9 URBAN EXPANSION DISTRICT SUBD 5 (3)	ADD "OR REAR" AFTER WORD "SIDE" WILL READ "SIDE OR REAR, NON-FARM HOUSING ABUTTING AG DISTRICT"	APRIL 2, 1996	APRIL 14, 1996

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
SEC 9 SUBD 5 (3)	ADD "SIDE OR REAR FOR UNPLATTED PARCELS 50' "	APRIL 2, 1996	APRIL 14, 1996
SEC 10 COMMERCIAL DISTRICT SUBD 2	ADD "12. MINI STORAGE FACILITIES"	APRIL 2, 1996	APRIL 14, 1996
SEC 10 COMMERCIAL DISTRICT SUBD 5 (2)	ADD "SIDE OR REAR FOR UNPLATTED PARCELS 50' "	APRIL 2, 1996	APRIL 14, 1996
SEC 11 INDUSTRIAL DISTRICT SUBD 5 (2)	ADD "SIDE OR REAR FOR UNPLATTED PARCELS 50' "	APRIL 2, 1996	APRIL 14, 1996
SEC 12 HEAVY INDUSTRIAL DISTRICT SUBD 5 (2)	ADD "SIDE OR REAR FROM UNPLATTED PARCELS 50' "	APRIL 2, 1996	APRIL 14, 1996
SEC 16 CONDITIONAL USE PERMITS: INTRODUCTION	ADD "CONDITIONAL USES FOR THE MISSISSIPPI SPECIAL USE DISTRICT ARE GOVERNED BY SECTION 15 SUBD 6 (B)	APRIL 2, 1996	APRIL 14, 1996
SEC 16 CONDITIONAL USE PERMITS CONDITIONAL USE TABLES	AMEND: REMOVE HOME OCCUPATION IN AG AND GEN RURAL COLUMN; ADD "X" IN BD OF COMMISS COLUMN FOR OCCASIONAL SPECIAL EVENTS; REMOVE "X" FOR SINGLE FAMILY HOUSING IN HEAVY INDUSTRIAL (HI) COLUMN.	APRIL 2, 1996	APRIL 14, 1996
SEC 16 CONDITIONAL USE PERMITS SUBD 2 (11)	TO READ: "THEREFORE, THIS CONDITIONAL USE PERMIT FEATURE OF THE GENERAL RURAL AND AG DISTRICTS WILL ALLOW CLUSTERING OF HOUSES"	APRIL 2, 1996	APRIL 14, 1996
SEC 17 GENERAL DEVELOPMENT REGULATIONS SUBD 2 (2) (C)	TO READ: "ONE (1) FREE STANDING ON-PREMISE SIGN NOT TO EXCEED ONE HUNDRED SIXTY FOUR (164) SQUARE FEET. SUCH SIGNS MAY NOT EXCEED A MAXIMUM OF FORTY (40) FEET IN HEIGHT."	APRIL 2, 1996	APRIL 14, 1996
SEC 17 GENERAL DEVEL REGULATIONS SUBD 2 (2) (C5)	TO READ: "OFF-PREMISE ADVERTISING SIGNS SHALL BE PERMITTED SUBJECT TO THE FOLLOWING REQUIREMENTS: "	APRIL 2, 1996	APRIL 14, 1996
SEC 17 GENERAL DEVELOPMENT REGULATIONS SUBD 13 (1)		APRIL 2, 1996	APRIL 14, 1996

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
SEC 18 ADMINISTRATION SUBD 4 (2)	DELETE: "THREE HUNDRED (300) FEET" REPLACE WITH: "ONE-HALF MILE."	APRIL 2, 1996	APRIL 14, 1996
SEC 18 ADMINISTRATION SUBD 4 (3)	DELETE ENTIRE PARAGRAPH AND REPLACE WITH: "THE NOTIFICATION OF PUBLIC HEARINGS SHALL CONFORM TO MINN STATUTES 394.2620 AS AMENDED."	APRIL 2, 1996	APRIL 14, 1996
SEC 18 ADMINISTRATION SUBD 5 (2)	DELETE ENTIRE PARAGRAPH AND REPLACE WITH: "THE NOTIFICATION FOR PUBLIC HEARINGS SHALL CONFORM TO MINN. STATUTES 394.2620 AS AMENDED."	APRIL 2, 1996	APRIL 14, 1996
SEC 5 DEFINITIONS SUBD 2	ADD "OUTLOT" DEFINITION	JUNE 4, 1996	JUNE 22, 1996
SEC 16 CONDITIONAL USES SUBD 2 CONDITIONS ITEM 24 OVERSIZED GARAGES	CHANGE "1000" SQ FT TO "1200" SQ FT	JUNE 4, 1996	JUNE 22, 1996
SEC 13 FLOODPLAIN ORD SUBD 2 GENERAL PROVISIONS	REPLACE "THREE FEET" WITH "ONE FOOT"	JUNE 4, 1996	JUNE 22, 1996
SEC 16.5 LOW-RANGE COMMUNICATION TOWERS	6-Month INTERIM MORATORIUM on Low - Range Communication Towers (Through June 7, 1997)	December 4, 1996	December 7, 1996
SEC 16.5 LOW-RANGE COMMUNICATION TOWERS	EXTEND THE INTERIM MORATORIUM on Low-Range Communication Towers (To Dec 7th 1997 or until a new Amendment is adopted)	JUNE 10, 1997	JUNE 14, 1997
SEC 16.5 LOW-RANGE COMMUNICATION TOWERS	AMEND THE ZONING ORDINANCE FOR Low-Range Communication Towers	AUG 5, 1997	AUG 9, 1997
SEC 17 SEWER & WATER SYSTEMS	AMEND THE ZONING ORDINANCE SEWAGE TREATMENT SYSTEMS More restrictive Local Amendments	NOV 4, 1997	NOV 8, 1997

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
SEC 5, SEC 7, SEC 8, SEC 10, SEC 11, SEC 15.5, SEC 16	AMEND THE ZONING ORDINANCE for the regulating and the siting of communication towers and antennas in the County	DEC 3, 1997	DEC 12, 1997
SEC 7 AG DIST: SUB 3. CUPS; & SEC 16 CUPS; SUB 1. TABLE OF CUP'S; CHURCHES	ADD: ITEM # 29 CHURCHES ADD: "X" To allow churches in the Ag District	JUNE 16, 1998	JUNE 20, 1998
SEC 16 CONDITIONAL USES SUB 2; ITEM 16 MFG HOME FOR SEASONAL HELP	ADD: Item 16 Farm Related Mfg Home for Temporary residence	DEC 4, 1998	DEC 12, 1998
SHERBURNE COUNTY PARK LAND DEDICATION ORDINANCE	Sherburne County Park Land Dedication Ordinance and Fee per Dwelling Unit (\$ 600.00 PER DWELLING UNIT)	SEP 15, 1998	SEP 19, 1998
AMENDMENT TO THE SHERBURNE COUNTY PARK LAND DEDICAITON ORDINANCE	\$600.00 Fee applies to metes & bounds recorded after Jan 1, 1999 and applies to proposed subdivisions with applications on or before Oct 1, 1998	OCT 21, 1998	OCT 24, 1998
SEC 7 AG DISTRICT SEC8 GENERAL RURAL DISTRICT SEC 9 URBAN EXPANSION	ADD: Conditions for Cluster Plats Incorporate Transportation Plan Sec 8 GR Delete Waste Disposal Sites as CUP SEC 9 UE New Lot dimensions	DEC 3, 1998	DEC 12, 1998
SEC 12 HEAVY IND	ADD: Waste Disposal Sites as CUP	DEC 3, 1998	DEC 12, 1998
SEC 16 CUP'S	REVISE: CHART ADD: Definitions for Recycling Facilities, Waste Disposal Sites, Salvage Yards ADD: Farm-related Manufactured Home as Temporary Residence	DEC 3, 1998	DEC 12, 1998
SEC 17 GENERAL DEVELOPMET	ADD: Process to Determine Cluster Plat Density	DEC 3, 1998	DEC 12, 1998
SEC 18 ADMINISTRATION	ADD: Act upon Variances & CUP's within 6 months	DEC 3, 1998	DEC 12, 1998
SEC 8 GENERAL RURAL DIST SUB 5 DEMENSIONAL REGS ITEM 5 MINIMUM SETBACKS	STRIKE 250' SETBACK ADD: 100' FROM REAR ABUTTING UNPLATTED LOTS	FEB 2, 1999	FEB 6, 1999

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
SEC 16, CONDITIONAL USE PERMITS SUBD 2; ITEM 39	Strike: "No sexually-orientated business shall be operated or maintained within one mile of another such business."	JUNE 15, 1999	JUNE 19, 1999
SEC 5, DEFINITIONS	Added: Permanent Residence, PUD and Sewered Area. Deleted HUD Code Homes	FEB 1, 2000	FEB 5, 2000
SEC 7. AG DISTRICT	Added: Landspreading as a CUP. Other Amendments to clarify Ordinance	FEB 1, 2000	FEB 5, 2000
SEC 8, GENERAL RURAL DISTRICT	Added: Shoreland and Hwy PUD as a CUP and amendments to clarify ordinance. Added Landspreading as a CUP	FEB 1, 2000	FEB 5, 2000
SEC 9, URBAN EXPANSION	Added: Shoreland and Hwy PUD as a CUP. Added Landspreading as a CUP	FEB 1, 2000	FEB 5, 2000
SEC 10, COMMERCIAL DIST	Added Hwy PUD as a CUP. Added Agriculture as a permitted use	FEB 1, 2000	FEB 5, 2000
SEC 11, INDUSTRIAL DIST	Added Hwy PUD as a CUP	FEB 1, 2000	FEB 5, 2000
SEC 13, FLOODPLAIN DIST	Clarified flood elevations	FEB 1, 2000	FEB 5, 2000
SEC 14, SHORELAND DIST	Amendments to clarify ordinance re: what is permitted within the district and requiring that PUD's be sewerred	FEB 1, 2000	FEB 5, 2000
SEC 16, CONDITIONAL USE PERMITS	Revised the listing and chart of CUP's. Omitted oversized garages. Added Landspreading. Added conditions for Hwy PUD. Added conditions for Second Farm Related Dwelling. Added Agriculture as a permitted use.	FEB 1, 2000	FEB 5, 2000
SEC 17, GENERAL DEVELOPMENT REGULATIONS	Clarified conditions for Accessory Buildings and established size limitations based on acreage.	FEB 1, 2000	FEB 5, 2000
SEC 13 FLOOD PLAIN DIST SUBD 2 AND SUBD 3	Adopt revisions to County's Base Flood Elev and flood ins rate maps dated May 4, 2000	APR 20, 2000	MAY 2, 2000

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-045 SEC 8 GEN RURAL DIST SUBD 5 DIMENSIONAL REGS	Min lot size for Cluster Plat – change from 1 acre to 25,000 sq ft: Change density to 2.0 acres; Change bldg area to 15,000 sq ft; Change width to 115 feet and depth to 190 feet	JUNE 6, 2000	JUNE 10, 2000
ORD-045 SEC 17 GEN DEVELOPMENT REGS; SUBD 1 MORE RESTRICTIVE LOCAL AMENDMENTS	Clarified language as to when a sewer “Cert of Compliance is required and adopted MN Rules 7080 to allow for performance systems to be used for wastewater treatment.	JUNE 6, 2000	June 10, 2000
SEC 18 ADMIN & ENFORCEMENT	Limit amount of times an application for rezoning can be requested in 1 year	SEP 5, 2000	SEP 9, 2000
SEC 11 IND DIST, SEC 12 HEAVY IND DIST, SEC 16 TABLE OF CUP’S	Add Gravel Mining as a C.U.P. in the Ind & Heavy Ind Districts	OCT 3, 2000	OCT 14, 2000
ORD-050 SEC 18 ADMIN & ENFORCEMENT	Subd 3 Board of Adjustment Item 5 Appeals: Subd 4 Amendments Item 5 Authorizaion Subd 5 CUPs Item 4 Report ot County Board Item 6 Compliance	OCT 3, 2000	OCT 14, 2000
MORATORIUM SLAUGHTER HOUSES	One Year Moratorium on the siting of Slaughter Houses in Sherburne County	DEC 19, 2000	DEC 23, 2000
ORD-052 SEC 4 JURISDICTION SUBD 1	add: “inclusive of those roads within municipal city limits”	JAN 2, 2001	JAN 13, 2001
ORD-053 SEC 16.5 TOWER S SUBD 8 PART D	Prohibited: Replace “platted” with “residential plat” and add “as defined in this Ordinance “	FEB 6, 2001	FEB 17, 2001
ORD-054 SEC 8 GENERAL RURAL SUBD 5 DIMENSIONAL REGULATIONS ITEM 6	Change setbacks: Side setbacks abutting unplatted: 25’ Rear setbacks abutting unplatted: 50’	APRIL 3, 2001	APRIL 7, 2001
ORD-056 SEC 8 GENERAL RURAL SUBD 5 DIMINSIONAL REGULATIONS ITEM 6	Change setbacks: All side setbacks in GR 10’ All rear setbacks in GR 25’	MAY 1, 2001	MAY 5, 2001

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-057 SEC 17 GENERAL RURAL SUBD 9 ACCESSORY BLDGS	Strike: "A detached bldg shall not be located in any required front or side yard"	JUNE 5, 2001	JUNE 9, 2001
ORD-058 SEC 11 IND DISTRICT SUBD 2 PERMITTED USES	Add: "11. Mini Storage Facilities"	JUNE 5, 2001	JUNE 9, 2001
ORD-059 SEC 7 AG DISTRICT SUBD 5 DIMENSIONAL REGS MINIMUM LOT DIMENSIONS	Add: "or 125 ' if clustered Add: "or 200' if clustered	JUNE 5, 2001	JUNE 9, 2001
ORD-062 SEC 9 URBAN EXPANSION DISTRICT SUBD 2 PERMITTED USES	Srike: "on parcels at least 20 acres in ize"	JULY 10, 2001	JULY 21, 2001
ORD-063 SEC 7 AG DISTRICT SUBD 3 CUP SEC 8 GENERAL RURAL SUBD 3 CUP SEC 11 IND DISTRICT SUBD 3 CUP SEC 12 HEAVY IND DIST SUBD 3 CUP SEC 16 COND USES SUBD 1 SUBD 2 TABLE	Add: Motorsport Faciliteis "PRIVATE" as a Conditional Use Permit	JULY 10, 2001	JULY 14, 2001
ORD-064 SEC 11 IND DIST SUBD 3 CUPS SEC 12 HEAVY IND SUBD 3 CUPS SEC 16 CONDITIONAL USES SUBD 1	Add: Motorsport Facilities "PUBLIC" as a Conditional Use Permit	JULY 17, 2001	JULY 21, 2001
ORD-065 ADD SEC 16.1 GENERAL STANDARDS FOR SLAUGHTERHOUSE ACTIVITIES	Add: Slaughterhouse Activities	SEP 4, 2001	SEP 22, 2001
ORD-070 SEC 16.6 PRIVATE MOTOR SPORT TRACKS	Delete: Private Motor Sport Tracks As a C.U.P. Add: Sec 16.6 Private Motor Sport Tracks as a stand-alone Ordinance	APR 2, 2002	APR 6, 2002
ORD-075 SEC 16 CONDITIONAL USES SUBD 1 LIST OF CUPS SUBD 2 CONDITIONS	TABLE: ADD: Farm-related BUNKHOUSE for temporary Seasonal residence ADD: ITEM 16 Farm-related Bunkhouse	SEP 3, 2002	SEP 7, 2002
ORD-077 SEC 16 CONDITIONAL USES SUBD 2 CONDITIONS	Replace "letter of credit" with "joint Certificate of deposit" for Items #14, #16, #42	OCT 1, 2002	OCT 12, 2002

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-78 SEC 17 GENERAL DEVELOPMENT REGULATIONS SUBD 10 NON-CONFORMING LOTS	Add: Item # 6 Non-conforming Lots of Record	DEC 3, 2002	DEC 14, 2002
ORD-084 SEC 9 URBAN EXPANSION SUBD 5 DIMENSIONAL REGS	Change side and rear setbacks	AUGUST 5, 2003	AUGUST 9 2003
ORD-086 SEC 17.7 PAWNBROKERS	Replace existing Ordinance No -019 With Section 16.7 Pawnbrokers	AUGUST 5, 2003	AUGUST 16,03
ORD-091 CLUSTER ORDINANCE SEC 7, 8, 9, 16, 17	Remove all referrals to Cluster Development	JUNE 1, 2004	JUNE 16, 2004
ORD-092 INTERIM ORDINANCE ESTABLISING A MORATORIUM ON SEXUALLY ORIENTED BUSINESSES	Moratorium for 90 days	AUGUST 10, 2004	AUG 18, 2004
ORD-094 EXTENSION OF MORATORIUM ON SEXUALLY ORIENTED BUSINESSES	Moratorium in effect until Feb 1, 2005	NOV 2, 2004	NOV 17, 2004
ORD-096 LICENSE ORDINANCE AMENDMENT ON SEXUALLY ORIENTED BUSINESSES	Sexually Oriented Business License Amendment	FEB 1, 2005	FEB 5, 2005
ORD-097 SEXUALLY ORIENTED BUSINESS SEC 5, DEFINITIONS, SEC 12 HEAVY INDUSTRIAL DIST SEC 16, CONDITIONAL USES	Remove as a C.U.P. in Heavy Industrial District; Add as a Permitted Use in the Heavy Industrial District	FEB 1, 2005	FEB 5, 2005
ORD-100 CONTRACTORS YARD SEC 7 AG DISTRICT SUBD 3 CONDITIONAL USES	Add Contractor's Yard as a Conditional Use Permit in the Ag District	MARCH 1, 2005	MARCH 12, 2005
ORD-102 PUD (HIGHWAY) SEC 16 CONDITIONAL USES SUBD 2 CONDITIONS	Add language which clarifies and expands the requirements for approval	MAY 3, 2005	MAY 14, 2005
ORD-105 LIGHT INDUSTRY SEC 10 COMMERCIAL DISTRICT SEC 16 CONDITIONAL USES	Add Light Industry as a C.U.P. in the Commercial District	JULY 12, 2005	JULY 30, 2005

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-107 SEC 5 SEC 16	SEASONAL STORAGE DEFINITIONS CONDITIONAL USES	Add Seasonal Storage as a C.U.P. in Ag, Gen Rural, Urb Exp Districts Permitted use in Com and Ind Districts	SEPT 6, 2005 SEPT 10, 2005
ORD-108 SEC 7 SEC 8	SETBACKS AG DIST & SEC 9,10,11,12 GEN RURAL DIST	Amend setback and minimum height Requirements	SEPT 6, 2005 SEPT 10, 2005
ORD-114 SEC 5, SEC 7, SEC 16, SEC 17, SEC 18		Amend Definitions, Add Windpower Management. Admn & Enforcement of Septic Certificate of Compliance, Signs, Bd of Adjustment, CUP's, Certificate of Occupancy	DEC 13, 2005 DEC 24, 2005
ORD-116 SEC 5 SEC 16	DEFINITIONS CONDITIONAL USES	Amend Definition of Seasonal Storage Amend conditions for Seasonal Storage CUP	JAN 3, 2006 JAN 7, 2006
ORD-118 SEC 12.1 OVERLAY DISTRICT SEC 16	RESIDENTIAL P.U.D. C.U.P 29.1	Add Sec 12.1 Res PUD Overlay District Add to Sec 16 Subd 2 29.1 PUD Residential	FEB 7, 2006 FEB 18, 2006
ORD-120 SEC 7 SEC 16	AG DISTRICT SUBD 3 ITEM 35 C.U.P. TABLE OF CONTENTS] Add to Sec 7 Ag District Subd 3 35. PUD (Highway) Sec 16 CUP add PUD Hwy to Ag District in table of contents	FEB 7, 2006 FEB 18, 2006
ORD-123 SEC 10 SEC 11 SUBD 5	COM DIST; IND DIST DIMENSIONAL REGS	Change Item 1 Minimum Lot Size From 10 acres to 40 acres	APRIL 4, 2006 APRIL 15, 2006
ORD-128 ALL ZONING DISTRICTS SUBD 5	DIMENSIONAL REGS	Add to all Zoning Districts: Subd 5 Dimensional Regulations Maximum Bldg Depth Below Grade	MAY 2, 2006 MAY 13, 2006
ORD-131 SEC 10	SUBD 5 DEMENSIONAL REGS	Change Side or Rear setback from unplatted, from 50' to 20' Delete word "Agriculture"	JULY 11, 2006 JULY 22, 2006
ORD-135 SEC 5, 7, 8, 9, 10, 11, 16		Add "Private and /or Commercial Kennels" as a permitted use. Delete "Kennel, Commercial" as a CUP	AUGUST 1, 2006 AUGUST 5, 2006

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-139 SEC 10 COMMERCIAL DIST SUBD 3 SEC 16 CUP TABLE	Add "School Bus Service" as a Conditional Use Permit in the Commercial District"	DEC 12, 2006	DEC 23, 2006
ORD-145 SEC 7 AG DISTRICT SUBD 5 DIMENSIONAL REGS	Add to Item 1 Minimum Lot Sizes: Remainder of property that has been platted into Commercial or Industrial lots, must be at least 20 acres	MARCH 6, 2007	MARCH 10, 07
ORD-146 SEC 18 ADMINISTRATION & ENFORCEMENT SUBD 3 BD OF ADJUSTMENT SUBD 5 CONDITIONAL USE PERMITS	Add wording which gives incomplete applications a time limit of 1 year for final action.	MAY 1, 2007	MAY 12, 2007
ORD-151 SEC 16 CONDITIONAL USES SUBD 2 ITEM 46 WINDPOWER MGMT	Divide CUP for Windpower Mgmt into two categories (Commercial and Hobbyist) w/ conditions	JULY 10, 2007	JULY 28, 2007
ORD-153 SEC 18 ADMIN & ENFORCEMENT SUBD 3 BD ADJUSTMENT SUBD 4 AMENDMENTS SUBD 5 CUP	Add: Township Comments as a Submission Requirement	DEC 11, 2007	DEC 22, 2007
ORD-155 SEC 9 URBAN EXPANSION DISTRICT SUBD 1 PURPOSE	Add: reference to orderly annexation areas and joint powers agreements	JAN 8, 2008	JAN 19, 2008
ORD-162 SEC 17 GENERAL REGULATIONS SUBD 14 WCA REGULATIONS	Add: Compliance with Wetland Conservation Act Regulations	JUN 3, 2008	JUN 14, 2008
ORD-164 SEC 16.2 INTERIM USE PERMITS And all Sections related	Add: Section on Interim Use Permits and Amend all Sections that are affected	AUG 5, 2008	AUG 9, 2008
ORD-165 SEC 17.1 STORMWATER MANAGEMENT & EROSION CONTROL	Add: Section on Stormwater Management and Erosion Control	AUG 5, 2008	AUG 9, 2008
ORD-168 SEC 7,8,9,10,11,12 USES NOT LISTED AS PERMITTED	Add: All uses not listed as Permitted, C.U.P. or I.U.P. shall not be allowed	FEB 3, 2009	FEB 7, 2009
ORD-172 SEC 4 JURISDICTION, SCOPE AND INTERPRETATION SUBD 1 JURISDICTION	Remove Becker Township from County Jurisdiction except for the Floodplain and Mississippi Scenic & Rec River Districts	NOV 10, 2009	NOV 14, 2009 Retroactive to NOV 1, 2009

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-173 SEC 17 GENERAL DEV REGS SUBD 14 COMPLIANCE W/ WCA	Add wording to clarify how Wetland Conservation Act Regulations (WCA) are regulated by the County.	DEC 1, 2009	DEC 5, 2009
ORD-176 SEC 5 DEFINITIONS SEC 17 GENERAL DEV REGS	Add definitions of Swimming Pools/Spas and their regulations	FEB 2, 2010	FEB 6, 2010
ORD-177 SEC 16.2 I.U.P.	Add "Occasional Special Events" as an IUP in all Districts except Heavy Ind	MAY 4, 2010	MAY 8, 2010
ORD-178 SEC 16.2 I.U.P.	Add "Yard Waste Composting as an IUP"	JUNE 1, 2010	JUNE 12, 2010
ORD-179 SEC 16.2 I.U.P.	Add "Temporary Use by Government Entities" as an IUP	JUNE 1, 2010	JUNE 12, 2010
ORD-183 SEC 17.5 SSTS Program	Add Sec 17.5 SSTS Program Delete: Sec 17 Subd 1 Sewer and Water	APRIL 5, 2011	APRIL 9, 2011
ORD-185 INTERIM ZONING ORDINANCE	Moratorium on New Zoning Applications for Solid Waste Facility for 12 Months – to 6/7/2012	JUNE 7, 2011	MAY 28, 2011
ORD-188 SEC 13 FLOOD PLAIN DISTRICT	Replace Sec 13 Flood Plain District with amended Ordinance and Flood Insurance Rate Map Panels effective November 16, 2011.	OCT 4, 2011	OCT 8, 2011
ORD-189 SEC 16 CUPS	Amend: Subd 2 Item 37 Windpower Management	OCT 4, 2011	OCT 8, 2011
ORD-190 SEC 17 GENERAL DEVELOPMNET REGS	Subd 13 Compliance with WCA Clarify boundary determinations and direct appeals to MN Board of Water & Soil Resources	OCT 4, 2011	OCT 8, 2011
ORD-193 SEC 5 DEFINITIONS SEC 16 CUP SEC 16.2 IUP	Amend definition of Home Occupation Remove uses from CUP Section and add to IUP Section	MAY 1, 2012	MAY 5, 2012
ORD-194 SEC 7 AG DISTRICT	Subd 6 Dimensional Regs Amend to allow 1-lot Simple Plats without meeting wooded definition	MAY 1, 2012	MAY 5, 2012
ORD-195 INTERIM ZONING ORDINANCE EXTENSION OF 6 MONTHS	Moratorium on New Zoning Applications for Solid Waste Facility 6 month extension to 12/6/2012	MAY 15, 2012	MAY 19, 2012
ORD-196 SEC 5,7,8,9,10,11,16,16.2	Amend by removing the Planned Unit Development (Highway) as a C.U.P. and adding it as an I.U.P.	JUNE 5, 2012	JUNE 9, 2012

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-197 INTERIM ZONING ORDINANCE	Moratorium on New or the Expansion of C.U.P. Applications for Animal Feedlots for 12 Months to February 11, 2013.	SEPT 4, 2012	AUG 11, 2012
ORD-198 SEC 18 ADMINISTRATION AND ENFORCEMENT	Clarify 4/5 th s vote on amendments, findings of fact and submission requirements	NOV 13, 2012	NOV 17, 2012
ORD-200 SEC 5 DEFINITIONS SEC 17.1 STORMWATER MANAGEMENT AND EROSION	Add Illicit Discharges and Connections	JAN 8, 2013	JAN 19, 2013
ORD-202 SEC 7, 8, 9, 10, 11, 12, 16.2, 17 TEMPORARY GRAVEL PERMITS	Add Temporary (12 Month) Grading, Filling or Excavation Permits	APR 2, 2013	APR 13, 2013
ORD-DENIED SEC 5,7,8,16,17 FEEDLOT AMENDMENTS	Amend Zoning Ord related to Feedlots including setbacks for new and expansions to feedlots and manure storage areas	<i>DENIED</i> MAR 26, 2013	
ORD-203 SEC 7 AGRICULTURAL DISTRICT	Subd 2 Add Feedlots as Permitted Use Subd 3 Delete Feedlots as a CUP	MAY 7, 2013	MAY 18, 2013
ORD-206 SEC 5, 7, 8, 16, 17 FEEDLOT AMENDMENTS	Amend Zoning Ord related to Feedlots and the keeping of animals; Add Sec 17 Subd 16 Feedlots and/or Manure Storage Areas	NOV 4, 2014	NOV 8, 2014
ORD-208 Sec 5, 7, 8, 9 FAMILY AND COMMERCIAL DAYCARE	Amend Zoning Ord related to Family and Commercial Daycare; Add to Sec5 Definitions and under Sections 7,8,9	JAN 3, 2015	FEB 7, 2015
ORD-209 Sec 17.1 STORMWATER MANAGEMENT & EROSION CONTROL	Amend Zoning Ord Sec 17.1	JUN 2, 2015	JUN 6, 2015
ORD-210 ILLICIT DISCHARGE DETECTION AND ELIMINATION	An Ordinance relating to Illicit Discharge Detection and Elimination	JUN 2, 2015	JUN 6, 2015
ORD-211 Sec 5, Sec 7, Sec 8, Sec 16, Sec 17 PERSONAL STORAGE AND ACCESSORY STRUCTURES	An Ordinance relating to Personal Storage and Accessory Structures	JUL 7, 2015	JUL 11, 2015
ORD-212 Sec 5, 7, 8, 9, 10, 11, 12, 16.2, 17 SOLAR ENERGY SYSTEMS AND SOLAR FARMS	Amend Ordinance to include Solar Energy Systems and Solar Farms	AUG 8, 2015	AUG 4, 2015
ORD-213 Add to Sec 14 "Overlay" Add Sec 14.1 SHORELAND RESIDENTIAL DISTRICT	Amend Ordinance by adding the word "Overlay" to Sec 14 and add Sec 14.1 Shoreland Residential District	AUG 8, 2015	AUG 4, 2015
ORD-214 Amend Sec 17 Subd 14 SWIMMING POOLS AND SPAS	Amend Ordinance by changing regulations on Pool and Spa Enclosures Sec 17, Subd 14	SEP 1, 2015	SEPT 5, 2015
ORD-DENIED Amend Sec 16.2 Interim Uses Subd 5 Contractors Yards	Amend Ordinance relating to Contractors Yards as requested by Steinbrecher	<i>DENIED</i> OCT 13, 2015	

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-215 Amend Sec 5,7,8,11,12 and 16.2 Interim Uses Subd 5 Contractors Yards	Amend Ordinance relating to Contractor's Yards	DEC 1, 2015	DEC 5, 2015
ORD-216 Amend Sec 17 Subd 16 Feedlots	Amend Ordinance relating to Land Use Permits and Setbacks in the Ag and General Rural Districts	JAN 5, 2016	JAN 9, 2016
ORD-217 Amend Sec 16.2 Subd 2 and Subd 5 Item 20 add E. Re: Transferability of Solar Farms	Amend Ordinance relating to the Transferability of an I.U.P. for a Solar Farm	MAY 3, 2016	MAY 7, 2016
ORD-225 Amend Sec 18 Subd 3 and Subd 8 Add Item 3 Compliance Re: Violations	Amend Ordinance requiring that no zoning approval be issued while there is a violation on the property	NOV 7, 2017	NOV 11, 2017
ORD-228 Amend Sec 5 Definitions Sec 8 General Rural Sec 16.2 Interim Uses	Amend Ordinance by adding Rural Tourism as an Interim Use Permit in the General Rural District	JUN 26, 2018	JUN 30, 2018
ORD-235 INTERIM ZONING ORDINANCE	Moratorium on New Zoning Applications for Solar Energy Systems for 6 months-to September 26, 2019	MARCH 26, 2019	MARCH 30, 2019
ORD-236 Amend Sec 5 Subd 2 Definitions Amend Sec 15 Subd 1, 4, 5, 6, 7, 8, 9, 10	Add definition of Bluffline Language clean up and updating	APRIL 9, 2019	APRIL 20, 2019
ORD-237 Amend Sec 5 Subd 2 Definitions Amend Sec 17, add Subd 18	Update definition of Recreational Vehicle and delete definition of Travel Trailer Recreational vehicle use and storage and add regulations for parking	APRIL 9, 2019	APRIL 20, 2019
ORD-238 Amend Sec 5, Subd 2, Definitions Amend Sec 18, Subd 3, Administration and Enforcement	Remove Hardship and update definition of Variance Updates Board of Adjustment Ordinance	JUNE 25, 2019	MAY 4, 2019
ORD-239 Amend Sec 5, Subd 2, Definition of Ag Building Amend Sec 17, Subd 8, Accessory Structures	Update definition of Ag Building Update Accessory Structure Ordinance	AUGUST 6, 2019	AUGUST 10, 2019
ORD-240 Sec 16.2, Subd 5.21, IUP for Solar Farms	Updated Ordinance for Solar Farm IUPs	AUGUST 6, 2019	AUGUST 10, 2019
ORD 245 Sec 7, Subd 7.3, Dimensional Regulations	Update setback for platted lots, non- farm housing abutting ag land from 250 ft to 100 ft	APRIL 7, 2020	APRIL 18, 2020
ORD 248 Sec 7, Subd 3, Conditional Uses Sec 8, Subd 3, Conditional Uses Sec 11, Subd 2, Permitted Uses	Remove School Bus Services from Sec 7 and Sec 8, Add Bus Service to Sec 11	AUGUST 4, 2020	AUGUST 15, 2020
ORD 249 Sec 16.2, Subd 5.8, A.3, Large Contractor's Yard	Remove set maximum for number of employees and vehicles and establish through IUP	JANUARY 19, 2021	JANUARY 30, 2021
ORD 252 Sec 5, Subd 2, Definitions Sec 7, Subd 6.2, Buildable Lot Area	Establish definition for Buildable Lot Area	MARCH 16, 2021	APRIL 10, 2021
ORD 255 Sec 5, Subd 2, Definitions	Establish definition for Improved Parking Surface, Motor Vehicle & Operable Motor Vehicle	JULY 15, 2021	JULY 24, 2021

AMENDMENTS TO THE SHERBURNE COUNTY ZONING ORDINANCE

ORD # SEC #	DESCRIPTION	DATE APPROVED	PUBLICA- TION DATE
ORD-260 Amend Section 5, Subd 2 Definitions Amend Section 14, Subd 3.1 Permit Required language Amend Section 14, Subd 5.2, Dimensions, Design and Utilities language	Add definition of setback average, add setback averaging to 5.2A and add vegetated alteration to 3.1A	OCT 5, 2021	OCT 16, 2021