

**ISANTI**



**COUNTY**

# **ZONING ORDINANCE**

**EFFECTIVE DATE: MARCH 1<sup>ST</sup>, 1996**  
**AMENDED DATE: SEPTEMBER 21<sup>ST</sup>, 2011**

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## ISANTI COUNTY ZONING ORDINANCE

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

### SECTION 1. Purposes and Intent

This Ordinance is enacted for the following purposes: to promote the health, safety, morale and general welfare throughout Isanti County by lessening congestion in the public rights-of-way; securing safety from fire, panic and other dangers; providing adequate light and air; making the most efficient use of public tax dollars by facilitating the adequate provision of water, sewage and other public services; conserving the value of properties and encouraging the most appropriate use of land; and, conserving natural resources and energy pursuant to an act authorizing county planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls and providing penalties for the violation thereof in accordance with authority granted in the following Laws of Minnesota:

- 1994, Chapter 103F.101 to 103F.165, or as amended, flood plain management;
- 1994, Chapter 103F.201 to 103F.221, or as amended, shoreland development;
- 1994, Chapters 103F and 103G, or as amended, wetlands;
- 1994, Chapter 173, or as amended, Regulations for the Control of Advertising Devices; and
- 1994, In furtherance of the policies declared in Minnesota Statutes, Chapters 115, 116, 394, or as amended

### SECTION 2. Title

This Ordinance shall be known and may be cited and referred to as the “Isanti County Zoning Ordinance,” when referred to herein, it shall be known as “this Ordinance.”

### SECTION 3. Jurisdiction, Scope and Interpretation

#### Subdivision 1. Jurisdiction

The jurisdiction of this Ordinance shall apply to all the area of Isanti County outside the incorporated limits of cities. The shoreland provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 5 of this Ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 3900, or as amended, no lake, pond, or flowage less than twenty-five (25) acres in size need be regulated.

#### 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 area, added to or relocated, and every use within a building or use accessory thereto in Isanti 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, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

### Subdivision 3. 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 4. 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.

### Subdivision 5. Repealer

The Isanti County Zoning Ordinance adopted on March 3, 1993 and all subsequent amendments adopted by the Isanti County Board of Commissioners are hereby repealed in their entirety. Any previous Isanti County Zoning Ordinance which has not been repealed is also hereby repealed in its entirety.

## SECTION 4. Rules and Definitions

### Subdivision 1. Rules

#### 1. Word Usage:

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word “building” shall include the word “structure”, the word “lot” shall include the word “parcel”; and the word “shall” is mandatory and not discretionary.

#### 2. Permitted Uses:

Permitted uses of land or buildings, as hereinafter listed, shall be permitted 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 shall be located, except for the following exceptions:

- a. Uses lawfully established prior to the effective date of this Ordinance.
- b. Conditional uses allowed in accordance with Paragraph 3 of this SECTION.

#### 3. Conditional Uses:

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of SECTION 18. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

#### 4. Prohibited Uses:

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the County Board, Planning Commission, or property owner may request a study by the County Zoning Administrative Staff to determine if the use is acceptable and, if so, what zoning would be most appropriate and, if needed, a determination as to conditions and standards relating to development of the use. The Isanti County Planning Commission, upon receipt of the staff study, may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the district or the county.

### Subdivision 2. Definitions

For the purpose of this Ordinance, certain items and words are defined as follows:

Accessory Building. A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building and can be reasonably located at or greater than normal setbacks.

Adult Bookstore. A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes or motion picture film when any or all of the materials previously mentioned are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. A business establishment shall be defined as an

Adult Bookstore if five percent (5%) or more of its retail space is used for the distribution or sale of the materials described above.

Adult Day Care Center. A facility for the supervised care of older adults, providing activities such as meals and socialization one or more days a week during specified daytime hours. The participants, primarily persons with physical and/or mental limitations who need socialization, physical assistance, and/or psychological assistance, return to their homes each evening. The program is often used as respite by family members caring for an older person who cannot be left alone safely in the home.

Adult Use – Accessory. A use, business, or establishment having more than 5% but less than 10% of its stock in trade or floor area allocated to, or more than 10% but less than 20% of its gross receipts derived from adult movie rentals or sales and/or adult magazines or other adult material sales or rental.

Adult Use – Principal. A use, business, or establishment having 10% or more of its stock in trade or floor area allocated to, or more than 20% of its gross receipts derived from adult use.

Agriculture. The art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.

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

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

Automobile Salvage Yard. Any establishment, place of business, place of storage or deposit, or activity which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, substantially unused or non-operational motor vehicles, or motor vehicle parts and occasional or incidental transactions in scrap metal. Salvage yards, except in the Industrial Districts, shall include places where one (1) to fifty (50) vehicles are deposited; and the owner also resides on the premises. The term motor vehicle, as used in this Ordinance, shall be defined as in Minnesota Statutes 169.01, Subdivision 3, or as amended, and shall include every vehicle which is self-propelled, except a vehicle moved solely by human power.

Automobile Storage Yard. An area where up to twenty-five (25) motor vehicles are stored for personal use of the owner who also resides on the premises. Storage areas do not have parts for sale to the public or include any incidental or occasional transactions in scrap metal; vehicles are in substantially operational condition; and the owner does not engage in advertising through signs or the media to attract the public to the storage area for the purpose of conducting business.

Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

**Bluff.** Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18%) percent over a distance of fifty (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 twenty-five (25) feet above the ordinary high water level of the water body;
3. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30%) percent or greater; and
4. The slope must drain toward the waterbody.

**Bluff Impact Zone.** Bluff Impact Zone means a bluff and land located within twenty (20) feet from the top of a bluff.

**Buildable Lot Area.** The contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways while still providing for adequate setbacks. Areas which are floodway or floodplain, wetlands, right-of-ways, bluffs, or have poor soils which are unsuitable for individual sewage treatment systems, cannot be included in calculating the buildable area of a lot.

**Building.** Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

**Building, Agricultural.** Any building or structure existing or erected on land used principally for agricultural purposes and its purpose is incidental to a farming operation with the exception of dwelling units. In addition, the term “agricultural building” shall only be considered on parcels which are sized ten (10) acres or larger and are used solely for agricultural uses. If said parcel is less than ten (10) acres, the term “agricultural building” may apply if the applicant proves the parcel is used solely for agricultural uses.

**Building Height.** The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Setback Line.** A line within a lot or other parcel of land parallel to a public road, street, highway right-of-way line, or ordinary high water level defining a portion of the lot between said setback line and said right-of-way on which buildings or structures may not be placed.

**Certificate of Survey.** A certificate of survey shall show the boundary lines of the parcel or parcels surveyed and indicate monuments set at the corners (or road right-of-ways line when abutting roads), angle points of said parcel or parcels and also at appropriate locations along boundary lines or lines where lines cannot be seen from corner to corner and there is a need to clarify building setback requirements. The survey shall be tied into required and identified land corners. The drawing shall be prepared by or under the direct supervision of a Minnesota Registered Land Surveyor.

**Cluster Development.** A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

**Commissioner.** Minnesota Commissioner of Natural Resources or his authorized representative.

Commercial Planned Unit Developments. Commercial Planned Unit Developments are typically 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 primary service oriented activities are commercial planned unit developments.

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

Commercial Use. “Commercial Use” means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

Community Water and Sewer Systems. Utilities systems serving a group of buildings, lots or an area of the County, with the design and construction of such utility systems as approved by the County.

Companion Animal. Means any animal that is commonly kept by persons as a pet or for companionship. The definition of “companion animal” includes but is not limited to: domesticated dogs, domesticated cats and horses/donkeys.

Comprehensive Plan. Means the policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

Conditional Use. Means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls and upon the findings listed in Section 18. Subd. 4 of this ordinance and upon the policies of Isanti County.

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

Corner Lot. A lot situated at the junction of and fronting on two or more roads or highways.

County. Isanti County, Minnesota.

County Board. Isanti County Board of Commissioners.

Deck. Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, and attached or functionally related to a principal use or site.

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

Depth of Rear Yard. The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

District. A section of the County for which the regulations governing the height, area, use of buildings, and premises are the same.

Domestic Animal. Means any animal that is livestock, a companion animal, or both.

Duplex, Triplex, and Quad. “Duplex”, “Triplex”, and “Quad” mean a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling. Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings.

Dwelling, Farm. A dwelling located on a farm where the resident of said dwelling either owns, operates or is employed thereon.

Dwelling, Non-Farm. A dwelling located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive a major portion of household income from agriculture.

Dwelling, Single Family. A dwelling designed for or occupied exclusively by one (1) family, not attached to another dwelling and surrounded by open space on the same lot.

Dwelling, Temporary. The use of a travel trailer or motor home as a dwelling during the months of May through October within a calendar year on lots of record in the shoreland district. Said travel trailer(s) or motor home(s) must be removed from lot(s) of record prior to and during the months of November through April in any calendar year.

Easement, Utility. A grant by a property owner for the use of a strip of land for the purposes of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Essential Services. Overhead or underground electrical, gas, steam, or water transmission or distribution systems, or collection, communication, or disposal systems used by public utilities or governmental departments, or as required for the protection of the public health, safety, or welfare, but not including buildings.

Exotic Animal. Means any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Non - human primates and prosimians (monkeys, chimpanzees, baboons)
2. Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars, not domesticated cats)
3. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
4. Ursidae (all bears)
5. Reptilia (all venomous snakes, all constricting snakes)
6. Crocodilia (alligators, crocodiles)
7. Proboscidae (elephants)
8. Hyanenidae (hyenas)
9. Artiodatyla (hippotamuses, giraffes, camels, not cattle or swine or sheep or goats)
10. Procyonidae (raccoons, coatis)

11. Marsupialia (kangaroos, opossums)
12. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
13. Edentara (anteaters, sloths, armadillos)
14. Viverridae (mongooses, civets, and genets)
15. "Regulated animal" under M.S. 346.155 Subd. 1(e)

Family. A 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.

Farm. A farm is a real property considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, slough, wasteland, and woodland shall be considered to be in agricultural use if under the same management and ownership.

Farming. The cultivation of the soil and all activities incidental thereto; agriculture and the raising of livestock and/or poultry.

Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals exceeding ten (10) animal units (as defined by MPCA Chapter 7020) and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

Floor Area. The sum of the gross horizontal area of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

Garage, Private. A garage which is erected as an accessory building.

Garage, Public. Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remunerations, hire or sale.

Guest Cottage. "Guest Cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Highway. Any public thoroughfare or vehicular right-of-way with a Federal, State, or Isanti County Numerical route designation.

Home Occupation. Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the residents dwelling unit and not in any accessory building, except the garage, and which shows no activity other than activity normally present in a residential dwelling unit.

Home Occupation, Extended. Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the residents dwelling unit or accessory building, and which shows no activity other than that normally present in a residential dwelling unit.

Industrial Use. "Industrial Use" means 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. “Intensive Vegetation Clearing” means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

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. Any structure or premises in which three or more dogs and/or domestic animals over four months of age are kept for sport, or housed for sale, breeding, or profit.

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

Limited Rural Business. A temporary opportunity for property owners, engaged in an extended home occupation, to employ up to a maximum of four persons who are not family members residing on the premises.

Livestock. Animals kept or raised for use or pleasure, but not including wild and/or undomesticated animals. Means any animal commonly used by persons for use, draft or pleasure purposes. The definition of “livestock” includes but is not limited to: poultry, cattle, swine, sheep, goats, horses.

Livestock Waste Lagoon. A diked enclosure for disposal of livestock wastes by natural process.

Lot. One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings, and includes as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area. The lot area is the land area contained within the lot lines.

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

Lot Lines. The lines bounding a lot, as defined herein. When a lot abuts a road, street, highway, avenue, park or other public property, except an alley, such lines shall be known as right-of-way line, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot of Record. Shall be any lot which was recorded by deed or filed as a separate parcel in the office of the County Recorder on or before February 10, 1982; or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before February 10, 1982.

Lot Width. The shortest distance between side lot lines measured at the midpoint of all building setback lines. For riparian lots, conformance to the lot width standards shall also apply to the shoreline, as measured on the landward side of the ordinary high water level. Midpoint of a building line and/or shoreline is the point of intersection of the building setback lines, and/or shoreline with the following described lot centerline. A line drawn from a point mid-distance between the side lot lines at the road right-of-way line to a point mid-distance between the side lot lines at the rear lot line or shoreline in the case of riparian lots.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is 760 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under the Minnesota Statutes, Chapter 327.

Manufactured (Mobile) Home, Pre-Code. Manufactured homes built prior to HUD CFR 3280 Standards, effective June 15, 1976, or built prior to Minnesota inspection and certification requirements in accordance with ANSI Standards A119.1, July 1, 1972.

Metes and Bounds. A method of property description by means of their direction and distance from an easily identifiable point.

Mining Pit. Any artificial excavation of the earth exceeding five hundred (500) cubic yards, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter, or made by turning or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

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

Motor Home. See Travel Trailer.

Non-Conforming Use. Means any legal use, structure or parcel of land already in existence, 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, if the official controls had been in effect prior to the date it was established.

Ordinary High Water Level. “Ordinary High Water Level” means 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.

Official Control. Means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objections of the Comprehensive Plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps.

Official Map. Means a map adopted in accordance with Minnesota Statutes which may show existing county roads and county state aid highways, proposed future county roads and highways and the area needed for widening existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities. When requested in accordance with Minnesota Statutes, an official map may include existing and planned public land uses within incorporated areas.

Outlot. A parcel of land on a plat which is an unbuildable lot with the exception of cemeteries, town halls, essential services, churches and county parks. This designation may be due to insufficient size or frontage, peculiar site characteristics, a lack of public improvements or for future roads and to correct survey errors.

Parcel. An area of land which may be designated by platting, by metes and bounds description, by a registered land survey, by auditors subdivision, or other accepted means, which distinguishes it from other parcels.

Personal motorized recreational vehicle. Motorized vehicles designed for usage by one person, sometimes including a passenger, including, without limitation, vehicles commonly known as snowmobiles, motocross bikes, motorized dirt bikes, motorcycles, go – carts, three – wheelers, four wheelers, ATV’s and mud trucks.

Persons. Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

Planned Unit Development. “Planned Unit Development” means 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 combinations 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.

Poultry. All domestically raised fowl including, but not limited to, chickens, turkeys, ducks, geese and game birds.

Practical difficulties. As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Premises. A lot or parcel with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

Public Utility. Persons, corporations, or governments supplying; gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication services shall not be considered a public utility use and are defined separately.

Public Waters. “Public Waters” means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 to 18, or as amended.

Receiving area. An area in the agriculture/residential district that denotes where building rights are being transferred into to complete the transfer of development rights for a plat.

Residential Planned Unit Development. “Residential Planned Unit Development” means a use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, time-share condominiums,

townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.

Retreat Center. A facility consisting of a building or buildings whose purpose is to offer hospitality, education, spiritual renewal or quiet recreation and offering temporary lodging.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service, road, place or however otherwise designated.

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

Semipublic Use. “Semipublic Use” means the use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sending area. An area in the agriculture/residential district that denotes where building rights are coming from to complete the transfer of development rights for a plat.

Sensitive Resource Management. “Sensitive Resource Management” means 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. “Setback” means the minimum horizontal distance between a building or a sewage treatment system and a highway, road right-of-way, center line, ordinary high water level, sewage treatment system, top of bluff, or other facility. The minimum horizontal distance from the side property line, and the minimum horizontal distance from the rear property line.

Sewage Treatment System. “Sewage Treatment System” means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 14, Subdivision 3 of this Ordinance.

Sewer System. “Sewer System” means 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.

Shore Impact Zone. “Shore Impact Zone” means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

Shoreland. “Shoreland” means land located with the following distances from public waters (1) 1,000 feet from the normal highway water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or except to the landward extent of a flood plain for those lakes, rivers and streams which have a detailed Flood Analysis Study including the entire Rum River. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Shoreland Setback. The minimum horizontal distance between a structure and the sewage treatment system and the normal ordinary high water mark.

Sign. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Billboard. A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Sign, Business. A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

Sign, Flashing. Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, Illuminated. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign, Pylon. A freestanding sign erected upon a single pylon or post which is in excess of ten (10) feet in height with the sign mounted on the top thereof.

Sign, Rotating. A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

Single ownership. Means an individual, company, corporation or a family trust.

Steep Slope. “Steep Slope” means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the sites 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 twelve (12%) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

Story, Half. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls are not more than two feet above the floor of such story.

Structure. Anything constructed or erected, the use of which required location on the ground or attachment to something having a location on the ground.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision. For purposes of this Ordinance, the term Subdivision shall mean any quarter of a quarter section or government lot which has been or is divided into three or more parcels; or any smaller parcel

which is divided into two or more parcels all within the same quarter of a quarter section or government lot. The term includes re-subdivision and where appropriate to the context relates to either the process of subdividing or the land being subdivided or to the development for which it is being subdivided.

Substandard Shoreland Use. Any use of shorelands existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

Surface Water Oriented Commercial Use. “Surface Water Oriented Commercial Use” means 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.

Toe of the Bluff. “Toe of the Bluff” means the lower point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

Top of the Bluff. “Top of the Bluff” means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than thirty-five (35) feet in height if free standing or 15 feet in height if roof mounted, including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

1. COMMUNICATION TOWER; FREESTANDING – A ground mounted tower consisting of a pole, spire, structure, or combination thereof constructed with or without guy wires and anchors.
2. COMMUNICATION TOWER; GUYED – A tower that is supported in whole or part by wires and ground anchors.
3. COMMUNICATION TOWER; MONOPOLE – A ground mounted tower consisting of a single pole constructed without guy wires and anchors.

Town. Means any town, including those with the powers of a statutory city pursuant to law.

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 repetitive use have altered or changed the natural contour of the landscape and created a clearly identifiable track. Tracks do not include trails that are used in such a way that vehicles pass a fixed point in a circuit no less than at an average of 15 minute intervals per vehicle.

Travel Trailer. A vehicle with or without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonable may be equipped with wheels or other devices for transporting the structure from place to place. The term “trailer” shall include camp car, camp bus, camper and house car and shall be further made distinct from manufactured home in that this type of trailer shall be no more than eight (8) feet wide and no more than thirty-five (35) feet in length, weighing five thousand (5,000) pounds or less, and shall have a current road license.

Unincorporated Area. The area outside a city.

Use. The purpose of which land or premises or building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Variance. Means 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 practical difficulties.

Warranted Systems. Wastewater technologies or designs (new or existing) for which documentation and a warranty has been submitted to the Minnesota Pollution Control Agency (MPCA). Warranted systems are not standard, alternative, or experimental systems as defined in Minnesota Rules, Chapter 7080.

Water Oriented Accessory Structure or Facility. “Water Oriented Accessory Structure or Facility” means 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 gazebos, screen houses, fish houses, pump houses, and detached decks. The area of such structures shall not exceed one hundred twenty (120) square feet.

Water Supply Purpose. Includes any use of water for domestic, commercial, industrial or agricultural purposes.

Wetlands. 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 definition, wetlands must have two of the following three attributes:

1. Have a predominance of hydric soils;
2. Are inundated or saturated by surface or ground water 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 such vegetation.

Wind Energy Conversion System. An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to; power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on – site.

Yard. Any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, Front. A yard extending across the front of the lot between the side yard lines and lying between the right-of-way line of the road or highway, and the nearest line of the building.

Yard, Rear. An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear lot line of the lot, for the full width of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front line to the rear of the back yard.

## SECTION 5. District Provisions

### Subdivision 1. Classification of Districts

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

1. A/R Agriculture/Residential District
2. RSC Rural Service Center District
3. USA-1 Urban Service Area District #1
4. B Business District
5. I Industrial District
6. S Shorelands District - Subdistricts include
  - SP Special Protection
  - R1 Residential
  - WC Water Oriented Commercial
  - G General
7. SR Rum River Scenic District
8. FP Flood Plain Overlay District

### Subdivision 2. Zoning Map

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps and said maps are hereby made a part of this Ordinance. Said maps shall be known as the County Zoning Maps. Said maps 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 (30) days after official publication of amendments. The official Zoning Maps shall be kept on file in the Zoning Administrator's office.

The Maps and text of the Flood Insurance Study for Isanti County prepared by the Federal Emergency Management Agency dated November 5<sup>th</sup>, 2003, and all Flood Insurance Rate Map panels therein dated November 5<sup>th</sup>, 2003, and the Flood Insurance Study Report of the Rum River in Cambridge, prepared by MSA Consulting Engineers dated December, 1993, or as subsequently amended, are hereby adopted by reference as the Official Flood Zone Maps for purposes of administration of Section 13 of this Ordinance. A copy of the referenced maps shall be on file in the offices of the County Auditor and the Zoning Administrator.

### Subdivision 3. District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys 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. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road center line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Shoreland district boundaries shall conform to the Zoning Map and definitions contained herein. In the event shoreland district boundaries, as interpreted by the Zoning Administrator, are contested, the Board of Adjustment shall make a judgment as to the location of the district boundaries. A judgment by the Commissioner of Natural Resources may also be sought in the event that agreement relative to precise location of shoreland district boundaries cannot be obtained.

When boundaries are in dispute, the burden of proof shall lie with the applicant. Where a conflict exists between the Flood Plain limits illustrated on the Official Zoning Map and the actual field conditions, the flood elevations shall be the governing factor in locating the flood plain limits. The boundaries of the Flood Zone District shall be determined by scaling distances on the official Flood Zone Maps. Applicants for building permits who contest the District boundaries shall have the right of appeal to the Board of Adjustment.

Subdivision 4. Future Detachment

Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the A/R Agriculture/Residential District until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

Subdivision 5. Public Waters Classification

The Public Waters Classification for Isanti County, as approved by the Commissioner of Natural Resources are listed and described herein:

1. The following are protected waters:

<u>Number</u>	<u>Name</u>	<u>Classification</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
30-26	Athens WMA	NE	5,8	34	23
30-114	Baxter Lake	NE	20,29	35	25
30-15	Big Pine Lake	NE	4,9	35	22
30-107	Blue Lake	RD	6,29,30,31	34,35	25
30-115	Boettcher Lake	NE	27,34	35	25
30-54	Brobergs Lake	NE	30	36	23
30-21	Classon Lake	NE	18,13	36	22,23
30-97	Diesslin Marsh	NE	20	37	24
30-50	Dollar Lake	NE	23	36	23
30-83	Elizabeth Lake	NE	2,3,11,34,35	35,36	24
30-36	Elms Lake	RD	4	35	23
30-43	Fannie Lake	RD	2,3,34,35	35,36	23
30-35	Florence Lake	RD	4,5,8,9	35	23
30-80	Francis Lake	GD	21,22,27,28	35	24
30-100	German Lake	NE	30,31,36,1	35,34	24,25
30-17	Grass Lake	NE	12,13	35	22
30-142	Grass Lake	NE	22,27	37	25
30-136	Green Lake	GD	26,27,28,33,34,35	36	25
30-124	Gunnik Lake	NE	7	36	25
30-8	Hoffman Lake	RD	14,23	34	22
30-12	Horseley Lake	NE	2,35	34,35	22
30-3	Horseshoe Lake	NE	2,11	34	22
30-6	Hurley Lake	NE	12	34	22
30-95	Johnsons Slough	NE	1,36	36,37	24

30-20	Krans Lake	NE	6,1,12	36	22,23
30-140	Krone Lake	NE	3,10	37	25
30-98	Larson Marsh	NE	36	37	24
30-125	Leasure Heath Lake	NE	8	36	25
30-10	Lillegren Lake	NE	23	34	22
30-23	Linderman Lake	NE	19,24	37	22,23
30-144	Lindgren Lake	NE	1,2,35,36	37,38	25
30-84	Line Lake	NE	3,34	35,36	24
30-19	Little Pine Lake	NE	4,33	35,36	22
30-44	Little Stanchfield	NE	5	36	23
30-2	Long Lake	NE	19,24,25	34	21,22
30-47	Long Lake	NE	12,13	36	23
30-56	Long Lake	NE	4,9,33,34	36,37	23
30-72	Long Lake	GD	4,5,28,32,33	34,35	24
30-96	Lory Lake	RD	5,8	37	24
30-7	Lower Birch Lake	NE	14	34	22
30-38	Magnuson Lake	NE	8	35	23
30-70	Marget Lake	NE	3,34	34,35	24
30-141	Matson Lake	NE	11,14	37	25
30-11	Mud Lake	NE	1,2,36	34,35	22
30-65	Mud Lake	NE	30,31,25,36	37	23,24
30-106	Mud Lake	RD	4,32,33	34,35	25
30-117	Mud Lake	NE	28,33	35	25
30-143	North Stanchfield Lake	NE	27,28,33,34	37	25
30-105	Reimann Marsh	NE	19	34	25
30-18	Rice Lake	NE	11,14	35	22
30-48	Rum Lake	NE	22	36	23
30-130	Sandy Lake	NE	17,18,19,20	36	25
30-60	Section Lake	NE	24	37	23
30-59	Seventeen Lake	NE	17	37	23
30-22	Skogman Lake	RD	30,25,35,36	36	22,23
30-138	South Stanchfield Lake	RD	4,5,32,33	36,37	25
30-135	Spectacle Lake	GD	25,26,35,36	36	25
30-41	Splittstoesser Lake	NE	25	35	23
30-14	Spring Lake	NE	2,11	35	22
30-102	Stahlberg Marsh	NE	NE 1	34	25
30-104	Stony Lake	NE	7,8	34	25
30-27	Stratton Lake	NE	17,18,19	34	23
30-1	Tamarack Lake	NE	18,13	34	21,22
30-113	Tennyson Lake	NE	17,19,20	35	25
30-61	Trollin Lake	NE	25,26	37	23
30-4	Twin Lakes	NE	10,11	34	22
30-9	Typo Lake	RD	21,22,28	34	22
30-5	Upper Birch Lake	NE	11,12,14	34	22
30-57	Upper Rice Lake	NE	4,5,8	37	23
30-91	Walbo Lake	NE	20,21	36	24
30-139	West Lake	NE	1,11,12	37	25
30-88	Williams Lake	NE	16,17	36	24
30-16	Unnamed	NE	9,10	35	22
30-29	Unnamed	NE	17	34	23
30-31	Unnamed	NE	32	35	23
30-37	Unnamed	NE	6	35	23
30-39	Unnamed	NE	17	35	23
30-55	Unnamed	NE	33,34	36	23
30-58	Unnamed	NE	10,15	37	23
30-63	Unnamed	NE	7,18,12,13	34	23,24
30-64	Unnamed	NE	6,7,1,12	35	23,24



	22 -					
Unnamed to SB - TR	Basin 2-236	34	25	23	34	25
Cedar Creek (CC) - TR	2	34	23	21	34	23
	16	34	23	15	34	23
	8 -					
Unnamed to CC - TR	Basin 26	34	23	16	34	23
	32 -					
Unnamed to CC - TR	Hwy. 65	35	23	2	34	23
Unnamed to Unnamed - TR	35	35	23	2	34	23
North Branch Sunrise River (NBSR) - TR	1	34	23	36	35	23
NBSR - AG	36	35	23	27	35	22
NBSR - TS	27	35	22	24	35	22
	2 -					
Unnamed to NBSR - TR	Basin 14	35	22	23	35	22
	4 -					
Unnamed to Unnamed - TR	Basin 15	35	22	14	35	22
	36 -					
Unnamed to NBSR - TR	Basin 11	35	22	25	35	22
	25	35	22	24	35	22
	17 -					
Unnamed Tributary - TR	Basin 59	37	23	4	37	23

KEY: TR - Tributary AG - Agriculture  
W&S - Wild & Scenic TS - Transitional

## SECTION 6. A/R Agriculture/Residential District

### Subdivision 1. Purpose

The A/R Agriculture/Residential District is intended to provide a district that will: (1) allow suitable areas of the County to be retained in Agricultural use; (2) prevent scattered, non-farm development; and (3) secure economy in governmental expenditures for public services, utilities and schools. Anyone building in an A/R District must accept the rural environment as it is found.

### Subdivision 2. Permitted Uses

The following uses shall be permitted within the A/R Agriculture/Residential District:

1. Agriculture, including farm buildings and one farm dwelling, and accessory buildings provided the resident or residents of the farm dwelling either owns, operates, or is employed on said farm. Sale of said farm dwelling for non-farm dwelling purposes will require conformance to the dwelling requirements set forth in #19 below.
2. Farm production.
  - a. Livestock animals kept for use on the farm or raised for sale or profit, including, but not limited to, dairy and beef cattle, swine, sheep, goats, horses, and livestock products.
  - b. Animals other than farm livestock raised for their pelts, food, or pleasure, including, but not limited to, rabbits, mink, ponies, buffalo, and deer.
  - c. Domestically raised fowl for food or pleasure, including, but not limited to, chickens, turkeys, ducks, geese, and game birds.
  - d. Bees for honey and pollination purposes.
  - e. Field and specialty crops, including, but not limited to, corn, milo, sorghum, sunflowers, soybeans, wheat, oats, rye, barley, hay and grass used for livestock and other animal feed; dried beans, potatoes, sweet corn, peas, green beans and other seed crops for canneries, and sod.
  - f. Fruit, including, but not limited to, apples, plums, apricots, peaches, grapes, cherries, and berries.
  - g. Nursery stock and tree farms, including deciduous and conifer trees, fruit trees and bushes, and ornamental shrubs, trees and flowers; and all-season greenhouses.
  - h. Garden vegetables.
3. Farm equipment.
  - a. All inoperable farm machinery must be setback from the road right-of-way 150' or be placed behind farm buildings or screened in some acceptable manner so as to be out of view from the public road.
4. Feedlots (as defined in Section 4) or confinement buildings with the number of animals less than the thresholds identified in Subdivision 3, #7. In addition, sump type livestock and/or poultry

manure storage systems, or other systems of manure storage that are of like or similar nature. These uses shall comply with all applicable regulations of the Minnesota Pollution Control Agency to prevent feedlot runoff. These uses are also subject to the following performance standards:

- a. The feedlot area, confinement building, or manure storage area shall be setback a minimum of 500 feet from any existing non-farm dwelling.
  - b. The feedlot area, confinement building, or manure storage area shall have side and rear yard setbacks of 250 feet.
5. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Natural Resource Conservation Services minimum regulations.
  6. Railroad rights-of-way, but not including freight classification yards and buildings.
  7. Essential services subject to regulations set forth in Section 14, Subdivision 8.
  8. Utility Service Substations - electric, gas, telephone, and water.
  9. Temporary or seasonal roadside stands for purposes of retailing farm produce with adequate off-street parking - not to exceed one stand per farm.
  10. Seasonal greenhouses for the sale of garden plants to customers arriving on-site and meeting the following conditions:
    - a. An off-street parking area must be provided in the following amount: one (1) space for every 500 square feet of sales display area.
    - b. The greenhouse structure shall not be used for any other use.
    - c. A maximum of 3,000 square feet of seasonal greenhouse space is allowed per parcel.
  11. Local government administration and service buildings, police, fire stations and community center buildings.
  12. Wildlife areas, parks and recreation areas, game refuges and forest preserves, owned or operated by governmental agencies or non-profit groups.
  13. Public schools or private schools having a curriculum equivalent to public schools; provided that no building shall be located within 50' of any side or rear lot line.
  14. Riding academies, stables.
  15. Places of worship, including the use of space for pre-school facilities; provided that no building shall be located within 50' of any side or rear lot line.
  16. Cemeteries, memorial gardens.
  17. Any structure used as a dwelling, which is constructed, erected, or placed on a building site or lot containing less than a quarter-quarter section in area shall have a width equal to or greater than twenty-two (22) feet and shall be placed on a basement or foundation that conforms to the Minnesota State Building Code, or as amended. Any dwelling with a width less than twenty-two

(22) feet must be placed upon a separate tract of land containing not less than a quarter-quarter section in area; provided said dwelling constitutes the only residential use on the said tract and conforms to the following:

- a. The dwelling that is less than twenty-two (22) feet in width shall be installed on a properly engineered foundation system that provides adequate support of the homes vertical and horizontal loads.
18. Platted road for purposes of accessing other districts in which platting is permissible.
19. Single family homes in the Agriculture/Residential district are subject to the following regulations:
- a. No more than four (4) parcels for single family dwelling units per quarter-quarter section will be allowed including any existing single family dwellings on the date of enactment of this Ordinance. When the quarter – quarter section is in multiple ownership, individual development rights shall be appointed as follows: If the quarter – quarter section contains 40 acres, the development rights shall be determined by dividing the total acreage by 10; if the quarter – quarter contains less than 40 acres, the development right shall be determined by dividing the total acreage in the quarter – quarter by 4 and then the property size by that factor, (example: 38 acres in a quarter – quarter divided by 4 equals 9.5 acres per unit. A 24 acre parcel would be divided by 9.5 acres per unit to allow 2 units). Where more than four (4) parcels exist in the quarter-quarter section and are considered an approved lot of record as recorded in the County Recorders Office on or before February 10, 1982, development of the lot(s) is allowed regardless of the number of parcels which are recorded. Any subdivision of land that results in three or more parcels per quarter-quarter section shall require platting. When platting occurs, the section lines, the quarter quarter section lines, quarter quarter lines and government lot lines do not need to be considered as a lot line, provided the overall density of single ownership property is not exceeded.
  - b. Each single family home shall be located on a minimum of one (1) acre in size and a minimum of one (1) acre contiguous buildable area.
  - c. All new lots that require platting will need a pre – application assessment and sketch plan and any transfer of rights shall require platting. Transfer of development rights will be allowed on contiguous or non – contiguous parcels under single ownership provided all the parcels involved are located in the same Township and conform with the following standards:
    1. New lots shall be one (1) – three (3) acres except that one remaining contiguous parcel shall have a building right associated with it and may exceed the three (3) acre maximum lot size if necessary.
    2. Incentives for additional building rights may be allowed by means of a conservation easement and shall be proportioned as follows:
      - One (1) additional lot for conservation easements of 30 – 80 acres.
      - Two (2) additional lots for conservation easements of 80 – 120 acres.
    3. All conservation easements shall consist of contiguous property.
    4. To transfer a building right from one area it is required to prove up the buildability of at least one (1) contiguous acre from the sending area. Including verification of a future primary and secondary septic site. To access the minimum one (1) acre sending area you can only cross types 1, 2 & 6 wetlands. Calculations may be needed to show no more than 10,000 square feet of wetland impact would occur to construct a road

with a minimum of 12' width to access the sending area for the transfer of building rights. The remaining lot from the sending area may be allowed to be accessed by a minimum of a 66' wide easement and/or deeded property to a public road.

5. Parcels of land in the agriculture/residential district that previously had building rights utilized or transferred may be eligible for additional building rights less building rights previously utilized under the previous agricultural district density of 2 parcels per quarter quarter or previous urban service area – 2 density of 4 parcels per quarter quarter.
6. All sending and receiving areas need to be included in the plat.
7. Prior to the preparation of a preliminary plat, the subdividers or owners shall meet with the Zoning Administrator, Township Officials and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, subdividers shall be invited to submit a sketch plan in simple form showing that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to future municipal boundaries and services, to minimize impact to existing roads and services, to neighboring subdivisions and development, and to the topography of the site.

The sketch plan shall be considered as the basis for discussion between the subdivider and zoning staff. Submission of the sketch plan shall not constitute formal filing of a preliminary plat. The zoning staff, shall, on the basis of the sketch plan, unofficially advise the subdivider of the extent to which the proposed subdivision conforms to the Isanti County Comprehensive Plan and Zoning Ordinances.

8. All plats shall be prepared consistent with the Isanti County Subdivision Ordinance and the Isanti County Plat Manual. Topography shall be shown on all lots; however, on lots larger than three (3) acres at least three (3) acres will be required.

Developers agreements with the Township or Municipality affected are required if the Township requires them and they are encouraged in Townships where they are not required to address roads and infrastructures.

d. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

e. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If

the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

f. Private Access Drives - 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120’ in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3’ on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or Township roads shall require a permit from the local road authority.

g. The building site shall not be located on poorly drained soils, soils structurally inadequate, such as peat or muck, or areas classified as wetlands, or flood plains unless as provided for in Section 13 of this Ordinance.

h. The dwelling unit shall not be located on land with an existing slope greater than twelve (12) percent, except where engineering or architectural documentation is provided that satisfies the county building official that the building site can be adapted to the dwelling unit.

i. The wastewater treatment system serving a dwelling unit must conform to Minnesota Pollution Control Agencies Rules Chapter 7080, as amended, and Section 14, Subdivision 3 of this ordinance. All lots shall contain a minimum of two sites that will be suitable as drainfield sites, one site a primary site and the other a secondary site. Suitability shall be demonstrated by the submission of a minimum of two (2) appropriate soil borings. Additional tests or borings may be required by the Zoning Administrator to verify the soil suitability for treatment systems. The submission shall include a plan clearly showing both the primary and secondary sites. The secondary site shall be preserved. No construction shall be permitted on the secondary site nor shall the site be used for an activity which would make it unsuitable for future use as a drainfield.

j. The non-farm dwelling unit is located a minimum of one thousand (1,000) feet from any existing feedlot, as defined in Section 4 of this ordinance.

k. If the building site is located in a pine plantation, the following fire prevention measures approved by the Department of Natural Resources must be employed:

1. The solid portion of a conifer stand shall be removed for a distance of seventy-five (75) 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 the 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.

20. Home Occupation

- a. Only persons who are members of the household residing on the premises may be employed in the home occupation.
  - b. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
  - c. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
  - d. Any home occupation in existence prior to February 21, 1996 will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
21. Cemeteries, town halls, essential services, churches, and county parks shall not reduce the development rights within a quarter-quarter section.
22. The use of tire shreds as lightweight fill or for other engineering benefits for Township, County or State Roads/Highways will be built in accordance with MNDot standards; Minnesota Statutes, Section 115A.912, Subdivision 4. Width of tire shred fill to be limited to the design road + 20% and a 4:1 slope.
23. Small residential projects utilizing recycled tire engineered aggregate; for example – such uses as playground material; landscaping materials for around trees and shrubs; walking paths; French drains; water proofing installations; use under heated slabs; and basement backfills, small private road projects requiring less than 1,500 cubic yards compacted material provided a maximum of 15 days storage of materials onsite with no more than 500 cubic yards of material on site at any one time. Up to 15 cubic yards may be stored onsite up to an additional 120 days.
24. No more than one (1) free standing or pylon sign of not more than thirty – five (35) square feet in surface area in association with a home occupation or permitted business on the property.
25. Public road improvement projects, grading, borrow and excavation directly related to such projects (not to include gravel pits), shall not require a permit provided the work is directly supervised by the Isanti County Highway Department or the governing body of a local unit of government.

Subdivision 3. Conditional Uses

The following uses may be allowed in the A/R Agriculture/Residential District, subject to the provisions of the Conditional Use Section:

1. Commercial outdoor recreation areas similar to Public Recreation areas.
2. Golf courses, miniature courses and driving tees operated for commercial purposes, club houses, country clubs, public swimming pool, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting residential lot.

3. Public libraries, museums, art galleries and post offices.
4. Water supply buildings, reservoirs, commercial wells, elevated tanks, gas regulator stations, electric sub – stations and similar essential service structures, except that no structure shall be located within fifty (50) feet of any abutting lot line.
5. Gun clubs, shooting preserves, target ranges, trap and skeet ranges.
6. Railroad rights – of – ways, but not including railroad yards.
7. Feedlots or livestock feed and poultry lots subject to the requirements of the Minnesota Pollution Control Agency regulations, when any of the following animal quantities are present: 300 dairy animals, 400 beef animals, 600 pigs, 1200 sheep, or 4,000 fowl. These uses are also subject to the following performance standards:
  - a. The feedlot area, confinement building, or manure storage area shall be setback a minimum of 1,000 feet from any existing non-farm dwelling.
  - b. The feedlot area, confinement building, or manure storage area shall have side and rear yard setbacks of 250 feet.
  - c. Setbacks may be increased for this use based upon the proposed location, the surrounding uses, or size of the facility.
8. Commercial grain storage and drying facilities.
9. Livestock sale barns and accessory facilities.
10. Resource recovery sites/stations, and solid waste transfer stations, as regulated by the Isanti County Solid Waste Ordinance and the Minnesota Pollution Control Agency.
11. Farm implement sales, service, and storage. These uses shall also be required to meet all but item e of the conditions specified in item 15 (Automobile or vehicular repair shops) of this Subdivision.
12. Private airstrip.
13. Saw mills.
14. Automobile or vehicular repair shops in accordance with the standards specified below:
  - a. Any repair shop activities shall be conducted within a building or be totally screened by means of berms, fencing, or landscaping so the activity shall not be visible from public roads nor from dwellings that are located on adjacent lots. Screening shall be completed within ninety (90) days from receipt of such notice from the Zoning Administrator.
  - b. Hours of outside operations for repair shops shall be limited from 8:00 a.m. to sunset Monday through Saturday and no Sunday operations unless such operations are conducted solely within an enclosed building.
  - c. The owner/operator shall also be required to maintain his/her homestead residence on the parcel and shall be restricted from converting the dwelling to a rental property.

- d. The Conditional Use Permit application must be accompanied by the following information:
    - i. Site plan which includes the location of buildings and all applicable linear dimensions;
    - ii. Screening plans;
    - iii. Signage plan showing the location and size of on-site signs and which conforms to standards contained in the district;
    - iv. A hazardous waste plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
      - 1) Motor oil and/or fuel;
      - 2) CFCs (chlorofluoro carbons);
      - 3) Auto or other motorized vehicle batteries;
      - 4) Antifreeze; and
      - 5) Any other substance as requested by the Zoning Administrator, County Planning Commission or County Board.
    - v. Provide a copy of their EPA ID Number Notification and a copy of their Hazardous Waste License.
  - e. The Conditional Use Permit for such a business terminates with a change in ownership. The new owner must re-apply for a conditional use permit addressing all of the requirements listed above.
  - f. Provisions herein apply to any auto repair shop that came into existence after 2/10/82. All auto repair shops established after 2/10/82 without a conditional use permit will be required to secure a Conditional Use Permit within eighteen (18) months from February 21, 1996 showing compliance with items b, c, and d above.
15. Utility power transmission lines and pipelines.
  16. The operation of an automobile salvage and/or recycling yard in accordance with the standards contained in Section 14, Subdivision 9.
  17. The operation of an automobile storage yard in accordance with the standards contained in Section 14, Subdivision 9.
  18. Educational and training facilities, including, but not limited to Vo Tech Schools which train students in the use of heavy machinery, including bulldozers, assorted earthmovers, cranes, and other like equipment used in heavy construction. This includes the actual use of such equipment on the premises by the instructors, and/or students.
    - a. The equipment operations area shall be located 1,000 feet from any residential dwelling.
  19. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.

- c. Up to twenty five (25) people for overnight lodging.
  - d. The owner/operator/director must reside on the property.
18. Saddle Club Facilities to allow for outdoor and indoor shows and other horse related activities such as horse clinics and tack swaps. Overnight parking for activity participants only.
- a. Minimum lot size shall be 40 acres.
  - b. All parking shall be accommodated on the property and not on adjacent public streets.
  - c. Adequate restroom facilities shall be provided for members and guests with permanent and adequate sanitary facilities to meet building code, MPCA and Health Department regulations.
  - d. Overnight camping for the purpose of caring for horses may be allowed for members and guests attending special events on the property. Overnight camping shall be limited to the time frame for which the special event is occurring including one night prior to and one night after the event.
  - e. The use and operation of the saddle club facilities must comply with applicable County and State regulations.
  - f. Solid Waste Management plan shall be in place and approved.
  - g. Notification to the County and the Township when an event is planned.
  - h. Minimum setback of 500' with adequate screening to any existing residences for outdoor camping and activities.
22. Storage and sale of houses and other buildings during transit/or pending sale of such houses or other buildings that have been moved from their prior locations but not permanently affixed to a new location.

Subdivision 4. Interim Uses

- 1. Limited Rural Business.
- 2. A manufactured home, meeting the sanitation requirements of the MPCA Chapter 7080, as amended, and the foundation requirements of Subdivision 2, #17(a), which is to be used as a second dwelling and is temporary in nature, may be permitted under the Interim Use Permit if:
  - a. The manufactured home will be located on a parcel of at least five (5) acres and will be occupied by persons who are elderly dependant or disabled members of the family of the persons occupying the principal dwelling on the premises. The above requires a letter from a medical doctor.
  - b. The manufactured home will be located on a parcel of at least five (5) acres and shall be occupied by persons acting as caretakers for elderly dependant or disabled members of the family who are still occupying the principle dwelling on the premises. The above requires a letter from a medical doctor.
  - c. The manufactured home will be located on a parcel of at least 75 acres and will be occupied by persons engaged in the occupation of farming on the premises as partners or other business associate of the persons living in the principal dwelling on the premises; and who earn 50 percent or more of their annual gross income for federal income tax purposes from such farming on the premises.
- 3. Kennel.

- a. Minimum lot size shall be five acres.
  - b. The facility shall be located 1,000 feet from any residential house, except that of the owner, and a minimum of ½ mile from 10 or more homes, or platted lots, existing prior to the application for a permit under this provision.
  - c. Confinement and shelter shall be provided through the use of fences and structures in compliance with Minnesota Animal Welfare Statutes.
  - d. Indoor facilities must have adequate heating, ventilation, and lighting.
  - e. Outdoor facilities must provide shelter from sun, rain, wind, snow, and extreme cold temperatures.
  - f. Each adult animal shall be provided with a minimum fenced enclosure equal to 36 square feet per animal.
  - g. Proper drainage shall be provided for both indoor and outdoor facilities.
  - h. A plan for the disposal of animal waste must be approved by the County.
  - i. Facilities must obtain all required state and federal licenses or operational permits.
  - j. Facilities shall be subject to an initial inspection and shall be inspected once a year thereafter, at a twelve (12) month interval, at the owners expense by a doctor of veterinary medicine who shall provide a report to the County describing the condition of the animals and the facility, medical treatment required for the animals, and remedial actions necessary to improve the condition of the kennel.
  - k. Parking requirements shall be determined by the Zoning Administrator.
  - l. Subject to receipt of a Kennel License.
4. Extended Home Occupation.
- a. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
  - b. Only persons who are members of the household residing on the premises may be employed in the home occupation.
  - c. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.
  - d. Not more than 25 percent of the square footage of the dwelling, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. Not more than 25 percent of the attached or detached garage, as measured by using the horizontal perimeter of the garage, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage. A separate accessory building may be devoted solely to the home occupation activities.

- e. All materials and vehicles, incidental to the use, shall be stored within the dwelling or the accessory building.
  - f. Adequate off-street parking shall be provided, but not more than three parked vehicles may be present at one time.
  - g. Additional accessory buildings associated with the extended home occupation may be allowed subject to Section 19 Interim Use Permit.
5. No more than one (1) free standing or pylon sign per parcel of not more than thirty – five (35) square feet for off premise advertising of permitted or approved uses in the County. Signs located at the public road intersections shall be set back a distance of 50’ each way from the corner of the road right of ways to create an obstruction free sign triangle at the intersection.
6. The mining of minerals, sand, gravel, peat, and black dirt (soil). The County Board, as a pre-requisite to the granting of a permit, may require the applicant to furnish a reclamation plan for the project site as one of the conditions to granting the interim use permit.
- ‘Pursuant to Minnesota Statute 394.303, Any existing or future interim use permit shall be required to comply with the following additional conditions, in addition Isanti County may impose additional conditions at the time it considers and grants an interim use permit.’
- a. The mining operation shall minimize as much as practical any adverse impact to the environment and comply with all local, state and federal standards.
  - b. The mining operation shall minimize any dust or noise produced so that it does not unreasonably annoy, injure, or endanger the safety, health, morals, comfort or repose of any considerable members of the public.
  - c. All access roads from mining operations to public highways shall be maintained to minimize dust conditions.
  - d. The mining operation shall as much as practical coordinate truck and machinery traffic so that it does not interfere with, obstruct, or render dangerous for passage any public road or highway.
  - e. No excavating, stockpiling, or hauling shall be conducted before 6:00a.m. or after 8:00p.m.
  - f. The gravel pit operation shall take precautions to ensure the site does not unreasonably endanger the safety of persons who enter or attempt to enter the site. Precautions shall include putting a gate on the road to the site and fencing off the pit.
  - g. All interim use permits issued under this section shall be reviewed every two years by the Isanti County Planning Commission.
7. Assisted Living Facility.
8. Living quarters of persons employed on the premises.
9. Child/Day Care Center.

10. Bed and Breakfast facilities.
11. Temporary construction facilities associated with road construction or reconstruction projects.
  - a. Time limit - the facility must be completely removed and the site returned to its original state or better within six (6) months of project completion.
  - b. Facility types allowed are:
    - i. Blacktopping processing facilities which includes the processing of recycled materials; and
    - ii. Concrete recycling storage areas which include storage, grinding, or other processing.
12. Tire shreds except when used in compliance with subdivision 2 #22. & #23. shall comply with Minnesota Rules Chapter 9220 and shall require an interim use permit from Isanti County.
  - a) Approval for projects utilizing tire shreds/lightweight fill that require (1,500 cubic yards) or more compacted material shall require a conditional use permit.
  - b) The use of tire shreds to repair existing private roads/driveways shall follow the current road alignment as much as possible.
  - c) New private driveways shall be designed by a licensed civil engineer.
  - d) Tire shreds can be used only when engineering benefits can be realized and when use of tire shreds will produce a better result than gravel and/or sand, clay, loams, or other mineral soil fill; due to the nature of the existing soils.
  - e) The standard tire shreds fill will be a maximum of three (3) feet and a maximum of width of twenty (20) foot surface, with a standard 3:1 side slope. Any alternative dimensions must be designed by a licensed civil engineer and approved by the Isanti County Board of Commissioners.
  - f) Tire shreds when used through wetlands shall follow MPCA guidelines; or be used as allowed by MNDot; or be placed a minimum of one (1) foot above the highest known water table or mottled soil.
  - g) The tire shreds must pass a twelve (12) inch screen to be allowed as lightweight fill. Whole tires of any size shall not be allowed.
  - h) The use of tire shreds shall be limited to the amount needed to construct a private driveway and not merely a method of disposal. The interim use permit application shall explain the reason for the beneficial use of tire shreds for each individual request.
  - i) There shall not be any un-permitted storage of tire shreds (lightweight fill material). All tire shreds must be delivered to the site and placed in the drive area and covered with soil within fifteen (15) days of delivery to the project site. Tire shreds shall be covered with low permeable soil and designed/graded to promote surface water drainage away from the roadbed.
  - j) No after the fact permits shall be issued. Tire shreds (lightweight fill) not authorized by permit shall be removed from the site and disposed property within fifteen (15) days at the property owner's expense.
  - k) Should private driveway projects involve a need for shredded tire storage, the owner will be required to request additional approval and submit a manageable plan and financial assurances as designated by the County.
13. Personal motorized vehicle track.

- a. A personal motorized vehicle track must have 10 acres in size for a minimum standard for applying for a motocross track; and if you want to use/ride personal motorized vehicles that are 125 cc's or larger, you must have at least 20 acres.
- b. A personal motorized vehicle track must be 50 feet from the property line; 1,000 feet from the nearest residence; 50 feet from the road right of way of a County Road, Township Road and/or a private road easement; 1,000 feet from any livestock shelter, feedlot and/or an arena except that of the owner of the personal motorized vehicle track.
- c. Each bike to be certified at 78 decibels at 50 feet away with the vehicle both coming and going, 65 decibels at the property lines and 55 decibels at the nearest side of any neighboring residence.
- d. Tracks existing on the adoption of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non – conforming use and shall be discontinued within sixty (60) days following the adoption of this Ordinance.

14. Adult Day Care Centers

- a. A facility that provides care to adults on a regular basis for periods of less than 24 hours in a structure which is not the residence of the person being served or the facility operator. The number of adults occupying the facility shall be determined by the Owner, Minnesota Department of Human Service and the Isanti County Planning Commission.

Subdivision 5. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the A/R Agriculture/Residential District:

- 1. Private garages, parking space, or carports for passenger cars.
- 2. Landscape features.
- 3. Keeping of not more than two (2) boarders or roomers by a resident family.
- 4. Private swimming pools and tennis courts.
- 5. Solar collectors, satellite dishes, and other accessory uses customarily incidental to the uses permitted in Subdivision 2, 3, and 4 of this Section.

Subdivision 6. Height, Yard, Area and Lot Width and Depth Regulations

- 1. Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless otherwise provided for in General Regulations (Section 14, Subd. 5).
- 2. Front Yard Regulations: There shall be a front yard setback of not less than:
  - a. 130 feet from highway right-of-way line, from expressways, and four lane highways, U.S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads, including private road easements.

- d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.
  - e. In cases where an accessory building is attached to the main building, it shall be considered as structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided, shall not be closer than ten (10) feet to the main building.
  - f. Structures that were previously permitted at 100' or more from the centerline of any road would be allowed for lateral expansions and not have to go through a variance.
3. Side Yard Regulations: There shall be a minimum side yard setback of not less than thirty (30) feet for all buildings or structures.
  4. Rear Yard Regulations:
    - a. There shall be a minimum rear yard setback of not less than forty (40) feet for all buildings or structures.
    - b. All lots adjoining lakes, ponds or flowages which are less than twenty-five (25) acres and not covered by the Shoreland Districts, shall also provide a setback from the ordinary high water level of seventy-five (75) feet for principal buildings and fifty (50) feet for all septic systems.
  5. Lot Area Regulations: Every lot on which a single family dwelling is erected shall contain a minimum of one (1) acre which shall also contain one (1) acre of buildable area and will be subject to the density provisions of Subdivision 2, #19 of this Section.
  6. Lot Width and Depth Regulations: All lots shall have no less than a one hundred fifty (150) foot width at the road frontage and at the building setback line as well as at the rear lot line, and the lot shall also have a depth of no less than two hundred (200) feet, as measured from all road right of ways. The remaining lot from the sending area may be allowed to be accessed by a minimum of a 66' wide easement and/or deeded property to a public road.
  7. On cul-de-sacs where lots shall have a minimum of fifty (50) feet of lot width at the road right of way and all lots shall have a minimum of one hundred fifty (150) feet of width at the front yard setback line. All lots shall be capable of providing on site sewer and water.

Subdivision 7. General Regulations

1. All livestock such as chickens, goats, cattle, horses, sheep, and pigs shall be adequately cared for and kept in a manner so as to not create a nuisance.
2. Additional requirements for signs, parking, and other regulations in the A/R Agriculture/Residential District are set forth in the General Regulations (Section 14).
3. In determining front yard setbacks, consideration may be given to the front yard setbacks of existing permitted or conditional use structures immediately adjacent on both sides to the building site and at least one hundred (100) feet from the centerline of the public road, including private road easements. If, however, the existing structure(s) is less than fifty percent (50%) structurally

sound (based upon the Minnesota State Building Code definition), then the structure(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development.

4. The private ownership of dogs over the age of four (4) months shall be limited to three (3) at one time per residential household. Property owners may apply for an Interim Use Permit to allow for more than the maximum allowable number of dogs. The County shall consider any of the standards for kennels as potential conditions of approval of such Interim Use Permits.

## SECTION 7. RS Rural Service Center District

### Subdivision 1. Purpose

The Rural Service Center District is to provide for limited opportunities for residential, commercial and industrial development that will not be detrimental to the character or to other uses of the rural service centers. These centers are intended to areas of multiple uses which have a historic basis for their existence. These areas are defined as Bradford, Crown, Dalbo, Day, Grandy, Pine Brook, Spring Lake, Stanchfield, and Weber.

### Subdivision 2. Permitted Uses

The following uses shall be permitted within the Rural Service Center District:

1. One family detached dwellings.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. Private Access Drives – 3 or more Parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on

each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or Township roads shall require a permit from the local road authority.

2. Duplexes provided the minimum lot area and lot width is increased by 50%.
3. Home Occupation.
  - a. Only persons who are members of the household residing on the premises may be employed in the home occupation.
  - b. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
  - c. Adequate off-street parking shall be provided and not more than three (3) parked vehicles may be present at one time.
  - d. Any home occupation in existence prior to February 21, 1996, will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
4. Parks and recreational areas owned and operated by governmental agencies.
5. No more than one (1) free standing or pylon sign of not more than thirty – five (35) square feet in surface area.
  - a. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area or three hundred (300) square feet in area, whichever is less.
  - b. No business sign shall project above the permitted building height.

### Subdivision 3. Conditional Uses

The following uses may be allowed in the Rural Service Center District, subject to the Conditional Use Section:

1. Public or private schools having a curriculum equivalent to public schools.
2. Places of worship.
3. Cemeteries.
4. Local government buildings and facilities.
5. Commercial uses includes those listed in the B – Business District under permitted uses (but not including adult use accessory), feed and/or seed stores, farm implement sales and service, building material sales, and living quarters of persons employed on the premises.
6. Industrial uses (but not including adult use principal) including creamery, grain elevator, feed mills, grain dryers, meat locker, and living quarters of persons employed on the premises.

7. Utility power transmission lines and pipelines.
8. Adult and child day care centers.

#### Subdivision 4. Interim Uses

1. Kennel.
  - a. Minimum lot size shall be five acres.
  - b. The facility shall be located 1,000 feet from any residential house, except that of the owner, and a minimum of ½ mile from 10 or more homes existing prior to the application of a permit under this provision.
  - c. Confinement and shelter shall be provided through the use of fences and structures in compliance with Minnesota Animal Welfare Statutes.
  - d. Indoor facilities must have adequate heating, ventilation, and lighting.
  - e. Outdoor facilities must provide shelter from sun, rain, wind, snow, and extreme cold temperatures.
  - f. Each adult animal shall be provided with a minimum fenced enclosure equal to 36 square feet per animal.
  - g. Proper drainage shall be provided for both indoor and outdoor facilities.
  - h. A plan for the disposal of animal waste must be approved by the County.
  - i. Facilities must obtain all required state and federal licenses or operational permits.
  - j. Facilities shall be subject to an initial inspection and shall be inspected once a year thereafter, at a 12 month interval, at the owners expense by a doctor of veterinary medicine who shall provide a report to the County describing the condition of the animals and the facility, medical treatment required for the animals, and remedial actions necessary to improve the condition of the kennel.
  - k. Parking requirements shall be determined by the Zoning Administrator.
  - l. Subject to receipt of a Kennel License.
2. No more than one (1) free standing or pylon sign per parcel of not more than thirty – five (35) square feet for off premise advertising of permitted or approved uses in the County. Sign located at the public road intersections shall be set back a distance of 50' each way from the corner of the road right of ways to create an obstruction free sight triangle at the intersection.

#### Subdivision 5. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the Rural Service Center District:

1. Private garage.

2. Other accessory uses customarily incidental to the uses listed in Subdivisions 2 and 3.

#### Subdivision 6. Height, Yard Area, and Lot Width and Depth Requirements

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height.
2. Front Yard Regulations: There shall be a front yard setback of not less than:
  - a. 130 feet from highway right-of-way line, from expressways, and four lane highways, U.S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads.
  - d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
3. Side Yard Regulations.
  - a. There shall be a side yard having a width of not less than fifteen (15) feet on each side of the building.
  - b. Any side lot immediately adjacent to agriculturally zoned land shall be required to provide a thirty (30) foot side yard.
4. Rear Yard Regulations: There shall be a rear yard having a depth of not less than fifty (50) feet.
5. Lot Width Regulations: Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way as well as at the front building setback line.
6. Lot Area Regulations: Every lot or tract of land on which a permitted or conditional use is constructed shall have an area of not less than one (1) acre of buildable land area. If on-site sewage treatment is to be provided each lot must be able to accommodate two (2) separate drainfield sites.

#### Subdivision 7. General Regulations

1. Where structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the front yard setback of the proposed development to meet the setbacks of those existing structures if, however, one or more of the existing structures is less than fifty percent (50%) structurally sound (based upon the Minnesota State Building Code definition), then the structure(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development.
2. Additional regulations for signs, parking and other regulations in this district are set forth in the General Regulations (Section 14).

3. The private ownership of dogs over the age of four (4) months shall be limited to three (3) at one time per residential household. Property owners may apply for an interim use permit to allow for more than the maximum allowable number of dogs. The County shall consider any of the standards for kennels as potential conditions of approval of such interim use permits.

## SECTION 8. USA - 1 Urban Service Area District #1

### Subdivision 1. Purpose

The USA - 1 Urban Service Area District #1 (Municipally Regulated) is intended to provide a district that will allow higher density residential development with temporary on-lot utilities in areas adjacent to urban development in close proximity to incorporated cities. The District is intended to allow for the complete control and regulation of zoning, subdivision, and building permit issuance by the adjoining city. This extension of control can only be implemented through a joint resolution adopted by the City and Isanti County. This District is also intended to be evaluated on an annual basis by all parties to the joint resolution.

### Subdivision 2. Joint Resolution Required

The boundaries of this district can only be set or amended through a joint resolution of the implementing City and Isanti County. The resolution shall specify the areas to be encompassed within this district and the commitment for an annual review of the district boundaries. In implementing this district, the City is given the powers to extend or create an appropriate zoning district which will allow for the development of parcels in a land use manner which is consistent with the land use plans of the implementing City. The appropriate zoning district may also allow that the developer convey two or more lots for the purpose of transfer of ownership or building development, and further, that any such building development be confined to one of the multiple lots conveyed. At such time as municipal sewer and water becomes immediately available, and upon connection of the existing building development to same, the undeveloped lots may be conveyed to other persons or entities and building development may be permitted on the previously undeveloped lots.

### Subdivision 3. Decision not to implement

Any City may decide not to implement the USA - 1 District. Such decision by a City will not prohibit the future adoption of the joint resolution for extension of the USA - 1 District. The City shall notify the County of their intent to consider the USA - 1 District and proceed with the requirements of Subdivision 2 above.

### Subdivision 4. USA - 1 Line between City of Cambridge and City of Isanti

The USA - 1 line between the Cities of Cambridge and Isanti is 301st Avenue.

## SECTION 9. B - Business District

### Subdivision 1. Purpose

The B - Business District is intended to provide a district that will allow retail and general commercial uses in a convenient and safe manner.

### Subdivision 2. Permitted Uses

The following uses shall be permitted within the B - Business District.

1. Agriculture.
2. Appliance store and appliance repair.
3. Automobile service stations for the sale of gasoline, oil and accessories, retail sales of automobiles, and automobile car washes.
4. Bank, Savings & Loan institution.
5. Barber or beauty shop.
6. Bicycle sales and repair shop.
7. Book store (but not adult book stores) or stationary store, antique or gift shop, art and school supply.
8. Bowling alleys.
9. Candy, ice cream, soft drink, or confectionery stores.
10. Cabinet/carpenter shop or construction yard.
11. Clothing or ready – to – wear stores, dry goods or notion stores.
12. Delicatessen.
13. Drive-in retail stores or service uses.
14. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
15. Drug store.
16. Dry cleaning establishments or laundry collection stations.
17. Fire and police stations.
18. Furniture store.
19. Garages (repair).
20. General store, department store, retail establishments.

21. Grocery, fruit, vegetable or meat store, bakery or pastry shops.
22. Hardware store.
23. Landscape nursery, garden store and greenhouses.
24. Launderettes or self – service laundries.
25. Marine, boat sales, and sporting goods.
26. Mini storage units.
27. Miniature golf course or archery or golf driving range.
28. Motel, hotel, and bed & breakfast.
29. Movie theaters.
30. Postal sub – station.
31. Professional office, such as realtor, doctor, lawyer, therapeutic masseuse, or other professional service provider.
32. Restaurant, cafe, or taverns which serve food and/or alcoholic beverages on-site.
33. Retail liquor sales (off sale).
34. Service business or trade.
35. Sexually – Oriented Business.

A. Adult Use – Accessory

Adult use-accessory as defined in Section 4 shall:

1. comprise no more than 10% of the floor area of the establishment in which it is located or shall comprise an area no greater than 100 square feet of floor area in which it is located, whichever is smaller.
2. comprise no more than 20% of the gross receipts of the subject business operation at the subject location.
3. not involve or include any activity except the sale or rental of merchandise.

Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access.

1. Movie rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.
2. Magazines. Publications classified or qualifying as adult uses shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
3. Other Use. Adult use/accessory activities not specifically cited shall comply with the intent of this section subject to the approval of the County Zoning Administrator or his or her designee.

Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

B. Signs. In addition to the sign regulations contained in Section 9 of this Ordinance, the following regulations will apply to a sexually – oriented business:

1. All signs shall be flat wall signs and non-illuminated.
2. The amount of allowable sign areas shall be 6 square feet.
3. No merchandise or pictures of the products or entertainment on the premises, advertisements, displays or other promotional materials depicting nudity, sexual conduct, sexual excitement or sadomasochistic abuse shall be displayed in window areas or any area where they can be viewed from the sidewalks in front of the building or from any public right of way.
4. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.
5. In addition to any allowable sign under this Section, a sexually - oriented business shall post on all entrances to the establishment, a sign no less in area than 1 square foot, stating that pursuant to Isanti County Zoning Ordinance, anyone under the age of 18 years is prohibited from entering the premises.

36. Shoe store or shoe repair shop.

37. Township or government buildings.

38. Variety store.

#### Subdivision 3. Conditional Uses

The following uses may be allowed in the B - Business District, subject to the Conditional Use Provisions:

1. Other business activities of the same general character as listed in Subdivision 2 of this Section.
2. Single family homes, when associated with the operation of a business located on the same parcel.
3. Drive-in theater.
4. Hospital, convalescent home, nursing home, and medical clinic.
5. Pawn Shops.
6. Utility power transmission lines and pipelines.
7. Light manufacturing.
8. Billboards, as regulated by off premise sign standards in the General Regulations.

#### Subdivision 4. Interim Uses

1. Kennel.

- a. Minimum lot size shall be five acres.

- b. The facility shall be located 1,000 feet from any residential house, except that of the owner, and a minimum of ½ mile from 10 or more homes existing prior to the application of a permit under this provision.
- c. Confinement and shelter shall be provided through the use of fences and structures in compliance with Minnesota Animal Welfare Statutes.
- d. Indoor facilities must have adequate heating, ventilation, and lighting.
- e. Outdoor facilities must provide shelter from sun, rain, wind, snow, and extreme cold temperatures.
- f. Shall provide a minimum fenced enclosure equal to 36 square feet per animal.
- g. Proper drainage shall be provided for both indoor and outdoor facilities.
- h. A plan for the disposal of animal waste must be approved by the County.
- i. Facilities must obtain all required state and federal licenses or operational permits.
- j. Facilities shall be subject to an initial inspection and shall be inspected once a year thereafter, at a 12 month interval, at the owners expense by a doctor of veterinary medicine who shall provide a report to the County describing the condition of the animals and the facility, medical treatment required for the animals, and remedial actions necessary to improve the condition of the kennel.
- k. Parking requirements shall be determined by the Zoning Administrator.
- l. Subject to receipt of a Kennel License.

Subdivision 5. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the B - Business District:

- 1. Accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.
- 2. A detached accessory building shall not be located in any required front, side or rear yard.

Subdivision 6. Height, Yard, Lot Width and Depth Regulations

- 1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty-five (35) feet in height.
- 2. Front Yard Setback Regulations: There shall be front yard setback of not less than:
  - a. 130 feet from highway right-of-way lines, from expressways and four lane highways, U. S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads.

- d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard of either road.
3. Side Yard Setback Regulations:
    - a. A fifteen (15) foot side yard setback shall be required.
    - b. Except that no building shall be located within thirty (30) feet of any side lot line abutting a lot in any residential district.
  4. Rear Yard Setback Regulations:
    - a. A fifteen (15) foot rear yard shall be required.
    - b. Except that no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any residential district.
  5. Yard Landscaping Requirements:

All required yards shall be either open landscape and green areas or be left in a natural state, except as provided in Section 14, Subdivision 2, Paragraph 4. 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 a sightly and well kept condition. Yards directly adjoining any RESIDENCE DISTRICT shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as part of the application for building permit and installed as a part of the initial construction.
  6. Lot Width Regulations:

Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way as well as at the front building setback line.
  7. Lot Area Regulations:

Every lot or tract of land on which a permitted or conditional use is constructed shall have an area of not less than one (1) acre of buildable land area. If on-site sewage treatment is to be provided, each lot must be able to accommodate two (2) separate drainfield sites.
  8. Storage of Materials:

Open storage of materials not related to the permitted business in any required front or side yard shall be prohibited. Any outside storage shall be located or screened so as not to be visible from any of the residential districts.
  9. Lot Coverage Regulations: Not more than fifty percent (50%) of the lot or parcel area shall be occupied by buildings.

#### Subdivision 7. Signage Regulations

1. No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area.

2. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area or three hundred (300) square feet in area, whichever is less.
3. No business sign shall project above the permitted building height.
4. For regulations of off-premise advertising or billboard signs, see Section 14, Subdivision 1.

Subdivision 8. General Regulations

1. Where structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the front yard setback of the proposed development to meet the setbacks of those existing structures. If, however, one or more of the existing structures is less than fifty percent (50%) structurally sound (based upon the adopted Minnesota State Building Code definition), then the structure(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development.
2. Additional requirements for signs, parking, and other regulations in the B - Business District are set forth in the General Regulations (Section 14).

## SECTION 10. I Industry District

### Subdivision 1. Purpose

The I Industry District is intended to provide a district that will allow general industry or highway-oriented industry closely related to existing urban areas in the County and at standards that will not impair the traffic carrying capabilities of abutting roads and highways. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

### Subdivision 2. Permitted Uses

The following uses shall be permitted within the I Industry District:

1. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which conform to the performance standards set forth hereinafter and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the omission or creation of noise, vibration, smoke, dust or other particulate matter, toxic materials, odors, fire or explosion hazards, or glare.
2. Automobile service stations - for the retail or wholesale dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for chassis and gear lubrication are permitted only if enclosed in a building.
3. Building material sales.
4. Cartage and express facilities.
5. Contractors', architects', engineers' offices, shops, and yards, such as building, cement, electrical, heating, ventilating, and air-conditioning, masonry, painting, plumbing, refrigeration, and roofing.
6. Farm implement sales, service, and storage.
7. Fuel sales.
8. Grain elevators.
9. Garages - for storage, repair and servicing of motor vehicles.
10. Greenhouses - wholesale.
11. Laundries.
12. Mail order houses and parcel distribution centers.
13. Printing.
14. Public utility and services uses, including
  - a. Bus stations, bus terminals, bus turn-arounds (off-street), bus garages and bus lots.
  - b. Fire stations.

- c. Police stations.
  - d. Railroad passenger stations.
  - e. Railroad rights-of-way.
  - f. Telephone exchanges, telephone transmission equipment buildings and microwave relay towers.
  - g. Utility service substations - electric, gas, telephone, and water.
  - h. Water works, reservoirs, pumping stations, and filtration plants.
- 15. Publishing.
  - 16. Radar installations and towers.
  - 17. Radio and television studios, stations, towers, transmitting and receiving devices.
  - 18. Restaurants.
  - 19. Mini storage units.
  - 20. Off-premise signs and billboards as regulated in Subdivision 6 of this Section or as regulated in Section 14, Subdivision 1.
  - 21. Sexually – Oriented Business
    - A. Adult use – principal shall be located at least 1,000 radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use – principal is located to the property line of any of the following:
      - 1. Zoning Districts where residential activity is a permitted use,
      - 2. A licensed day care center,
      - 3. A public or private educational facility classified as an elementary, junior high or senior high,
      - 4. A public library,
      - 5. A public park,
      - 6. Another adult – use principal,
      - 7. An on – sale liquor establishment, or
      - 8. Any church, synagogue or other principal place of worship of any duly organized religious organization.
      - 9. Hours of operation for adult-use principal shall be from 6:00p.m. – 1:00a.m. Monday through Saturday and no Sundays with the exception of 12:00a.m. – 1:00a.m. from Saturday evening to Sunday morning.
    - B. Adult use – Accessory
      - a. Adult use – accessory as defined in Section 4 shall:
        - a. comprise no more than 10% of the floor area of the establishment in which it is located or shall compromise an area no greater than 100 square feet of floor area in which it is located, whichever is smaller.
        - b. comprise no more than 20% of the gross receipts of the subject business operation at the subject location.
        - c. not involve or include any activity except the sale or rental of merchandise.

- b. Adult use – accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access.
    - 1. Movie rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.
    - 2. Magazines. Publications classified or qualifying as adult uses shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
    - 3. Other Use. Adult use/accessory activities not specifically cited shall comply with the intent of this section subject to the approval of the County Zoning Administrator or his or her designee.
  - c. Adult use – accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.
- C. Signs. In addition to the sign regulations contained in Section 10 of this Ordinance, the following regulations will apply to a sexually – oriented business:
- 1. All signs shall be flat wall signs and non – illuminated.
  - 2. The amount of allowable sign areas shall be 6 square feet.
  - 3. No merchandise or pictures of the products or entertainment on the premises, advertisements, displays or other promotional materials depicting nudity, sexual conduct, sexual excitement or sadomasochistic abuse shall be displayed in window areas or any area where they can be viewed from the sidewalls in front of the building or from any public right of way.
  - 4. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one – square – foot sign may be placed on the door to state hours of operation and admittance to adults only.
  - 5. In addition to any allowable sign under this Section, a sexually – oriented business shall post on all entrances to the establishment, a sign on less than 1 square foot, stating the pursuant to Isanti County Zoning Ordinance, anyone under the age of 18 years is prohibited from entering the premises.
- D. Licensing. All sexually – oriented businesses as defined herein shall obtain an operator’s license pursuant to the terms and procedure of the Isanti County Sexually – Oriented Business Licensing Ordinance.
- E. Minors. Anyone under the age of 18 years shall not be permitted on the premises of a sexually – oriented business.

Subdivision 3. Conditional Uses

The following uses may be allowed in the I Industry District, subject to the provisions of Conditional Use Permits.

- 1. Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
- 2. Automobile testing grounds.
- 3. Heliports (private).

4. Other business and industrial activities of the same general character as listed in Subdivision 2 above.
5. Automobile salvage yards subject to all provisions listed for this use in Section 14, Subdivision 9 of this ordinance.
6. Solid waste transfer stations and resource recovery stations.
7. Extraction activities including gravel and storage of sand and gravel material.
8. Indoor shooting ranges.
9. Bulk fuel and fertilizer storage.
10. Meat processing plants and slaughterhouses.
11. Dwelling unit, for watchmen and their families, located on the premises where they are employed in such capacity.
12. Asphalt plants and ready mix concrete operations, including facilities which process, store, or grind recycled concrete or blacktop.
13. Utility power transmission lines and pipelines.
14. Storage and sale of houses and other buildings during transit/or pending sale of such houses or other buildings that have been moved from their prior locations but not permanently affixed to a new location.

Subdivision 4. Permitted Accessory Uses

1. Accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section shall be permitted accessory uses within the I Industry District.
2. A detached accessory building shall not be located in any required front, side, or rear yard.

Subdivision 5. Height, Yard, Lot Width and Lot Coverage Regulations

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty-five (35) feet in height unless otherwise provided for in General Regulations (Section 14, Subdivision 5).
2. Front Yard Setback Regulations:
  - a. 130 feet from highway right-of-way lines, from expressways and four lane highways, U. S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads.

- d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.
  - e. Except that in unincorporated communities, the setback of adjoining industrial lots may be used if a setback less than those prescribed above are presently used.
3. Side Yard Setback Regulations:
- a. There shall be a side yard having a width of not less than fifteen (15) feet on each side of a building.
  - b. Except that no building shall be located within fifty (50) feet of any side lot line abutting a lot in any Agriculture/Residential District.
4. Rear Yard Setback Regulations:
- a. There shall be a rear yard having a depth of not less than forty (40) feet.
  - b. Except that there shall be a minimum rear yard of one hundred (100) feet of any lot line abutting a lot in any Agriculture/Residential District.
5. Yard Landscaping Requirements:
- All required yards shall be either open landscape and green areas or be left in a natural state, except as provided in Section 14, Subdivision 2, Paragraph 4. 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 a sightly and well kept condition. Yards directly adjoining any RESIDENCE DISTRICT shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as part of the application for building permit and installed as a part of the initial construction.
6. Lot Width Regulations: Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way as well as at the front building setback line.
7. Lot Area Regulations:
- Every lot or tract of land on which a permitted or conditional use is constructed shall have an area of not less than one (1) acre of buildable land area. If on-site sewage treatment is to be provided, each lot must be able to accommodate two (2) separate drainfield sites.
8. Lot Coverage Regulations: Not more than fifty percent (50%) of the lot or parcel area shall be occupied by buildings.
9. Storage of Materials: Open storage of materials in any required front or side yard shall be prohibited. Any outside storage shall be located or screened so as not to be visible from any RESIDENCE DISTRICT.

Subdivision 6. Signage Regulations:

1. No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area.

2. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area or three hundred (300) square feet in area, whichever is less.
3. No business sign shall project above the permitted building height.
4. For regulations of off-premises advertising or billboard signs, see Section 14, Subdivision 1.

Subdivision 7. General Regulations:

1. Where structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the front yard setback of the proposed development to meet the setbacks of those existing structures. If, however, one or more of the existing structures is less than fifty percent (50%) structurally sound (based upon the adopted Minnesota State Building Code definition), then the structure(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development.
2. Additional requirements for signs, parking, and other regulations in the I Industry District are set forth in the General Regulations (Section 14).

## SECTION 11. S Shoreland District

### Subdivision 1. Purpose

The intent of the S Shoreland District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety, and welfare of all public waters in the unincorporated areas of the county.

### Subdivision 2. Subdistricts

#### **Special Protection (SP)**

1. Purpose: To manage and preserve areas with special historical, natural or biological characteristics by limiting and properly managing development in unsuitable areas due to flooding, erosion, limiting soil conditions, steep slopes or other physical constraints.
2. Permitted Uses:
  - a. All general agricultural pasture and minimum tillage cropland, uses including farm dwellings and agricultural buildings.
  - b. Forestry tree farms and timber harvesting.
  - c. Nature areas, hiking and riding trails, wildlife preserves, and designated county, state, or federal wetland areas.
  - d. Home Occupation.
    - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
    - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
    - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
    - iv. A sign on the premises shall not exceed four (4) square feet.
    - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
  - e. Single family homes.
  - f. Swimming pools.
3. Conditional Uses (see Section 18, Subdivision 7 & 8)
  - a. Parks and designated county, state, or federal historic sites which do not maintain

overnight camping facilities.

- b. Travel trailers or motor homes used as temporary dwelling shall be limited to a maximum placement on a lot for six (6) months within a calendar year (from May through October), on a lot of record and shall conform to all required structure setbacks established herein. Only one (1) travel trailer or motor home is allowed on a single lot of record.
  - c. Any essential services which cannot be reasonably located in other than the Shoreland District.
  - d. Assisted Living Facility.
  - e. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.
  - e. See Subdivision 7 in this Section regarding the placement of roads.
  - f. See Subdivision 8 in this Section regarding stormwater management.
  - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
  - h. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
  - i. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

### **Residential District (R)**

- 1. Purpose: To allow a low to medium density residential use on lands suitable for these uses. To prevent other uses that conflict with residential use.
- 2. Permitted Uses:
  - a. Single family homes.

- b. Travel trailers or motor homes used as temporary dwelling shall be limited to a maximum placement on a lot for six (6) months within a calendar year (from May through October), on a lot of record and shall conform to all required structure setbacks established herein. Only one (1) travel trailer or motor home is allowed on a single lot of record.
  - c. Essential services.
  - d. Nature areas, wildlife preserves, and designated county, state or federal wetland areas.
  - e. Home Occupation.
    - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
    - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
    - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
    - iv. A sign on the premises shall not exceed four (4) square feet.
    - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
  - g. Swimming pools.
3. Conditional Uses (See Section 18, Subdivision 7 & 8)
- a. Semi-public uses.
  - b. Parks and designated county, state, or federal historic sites which do not maintain overnight camping facilities.
  - c. Golf courses, clubhouses, miniature courses, and golf driving ranges operated for commercial purposes.
  - d. Duplexes designed to be occupied by not more than two (2) families with separate housekeeping and cooking facilities provided that such dwellings will be compatible with the surrounding dwellings.
  - e. Public school or private schools having a curriculum equivalent to public schools.
  - f. Places of worship.
  - g. Limited agricultural uses including fruit and vegetable farms and tree farms, provided such use shall not have any livestock associated with the use.

- h. Assisted Living Facility.
  - i. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.
  - e. See Subdivision 7 in this Section regarding the placement of roads.
  - f. See Subdivision 8 in this Section regarding stormwater management.
  - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
  - h. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
  - i. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

**Water Oriented Commercial District (WC)**

- 1. Purpose: To provide for existing or future commercial uses that are functionally dependent upon water location.
- 2. Permitted Uses.
  - a. Surface water oriented commercial uses, except along natural environment lakes or any streams. Such uses include single family dwellings associated with a resort, marinas, campgrounds, recreational vehicle parks, bait shops, and marine repair shops.
  - b. Resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis.
  - c. Restaurants, drive-ins, dinner clubs, taverns, and private clubs.
  - d. Home Occupation.

- i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
    - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
    - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
    - iv. A sign on the premises shall not exceed four (4) square feet.
    - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
  - e. Public and semi-public uses.
  - f. Parks and historic sites.
  - g. Essential services.
  - h. Swimming pools.
3. Conditional Uses (See Section 18, Subdivision 7 & 8).
- a. Surface water oriented commercial uses along natural environment lakes and streams.
  - b. Commercial Planned Unit Developments, or a Residential Planned Unit Development to allow the conversion of a resort to a planned unit development.
  - c. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design compatible with other general allowable uses of the district.
  - d. Riding academies and horse stables.
  - e. Assisted Living Facility.
  - f. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
4. General Use Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.

- b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
- c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
- d. See Subdivision 6 in this Section regarding shoreland alterations.
- e. See Subdivision 7 in this Section regarding the placement of roads.
- f. See Subdivision 8 in this Section regarding stormwater management.
- g. See Subdivision 9 in this Section regarding standards for non-residential uses.
- h. See Subdivision 11 in this Section regarding PUD standards.
- i. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
- j. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

**General Use District (G)**

- 1. Purpose: A district to be established where urban and commercial development has occurred prior to the amending of this Ordinance or where this type of development is likely to occur.
- 2. Permitted Uses.
  - a. Commercial uses, except along natural environment lakes and any streams.
  - b. Public and semi-public uses, except along natural environment lakes and any streams.
  - c. Essential services.
  - d. Swimming pools.
- 3. Conditional Uses (See Section 18, Subdivision 7 & 8)
  - a. Commercial uses along natural environment lakes and streams.
  - b. Public and semi-public uses along natural environment lakes and streams.
  - c. Commercial Planned Unit Developments.
  - d. Extractive uses.
  - e. Industrial uses, except along natural environment lakes and streams classified as Transitional or Agricultural.
  - f. Parks and historic sites.

- g. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design compatible with other general allowable uses of the district.
  - h. Riding academies and horse stables.
  - i. Assisted Living Facility.
  - j. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
  - k. Signs
    - 1. No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area.
    - 2. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area or three hundred (300) square feet in area, whichever is less.
    - 3. No business sign shall project above the permitted building height.
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.
  - e. See Subdivision 7 in this Section regarding the placement of roads.
  - f. See Subdivision 8 in this Section regarding stormwater management.
  - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
  - h. See Subdivision 11 in this Section regarding PUD standards.
  - i. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
  - j. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

Subdivision 3. Height, Yard, Area and Lot Depth Regulations

1. Height Regulations: All structures, except churches and agricultural structures must not exceed thirty-five (35) feet in height.

2. Lot Area Requirements (specified in Square Feet or Acres).

a. Lakes:

	<u>General Development</u>		<u>Recreational Development</u>		<u>Natural Environment</u>	
	Non-		Non-		Non-	
	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>
1. Single	20,000	40,000	40,000	40,000	80,000	80,000
2. Duplex	40,000	80,000	80,000	80,000	120,000	160,000

3. Each lot in the Natural Environment lake category shall contain a minimum of one (1) acre of buildable area.

4. In addition, Non – riparian lots in the Natural Environment lake category shall follow the underlying district housing density requirements.

b. Rivers: Every lot on which a single family dwelling is erected shall contain a minimum of two (2) acres which shall also contain one (1) acre of buildable area.

3. Lot Width Regulations (Specified in Linear Feet).

a. Lakes

	<u>General Development</u>		<u>Recreational Development</u>		<u>Natural Environment</u>	
	Non-		Non-		Non-	
	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>
1. Single	100'	150'	150'	150'	200'	200'
2. Duplex	180'	265'	225'	265'	300'	400'

b. Rivers

	<u>Transition</u>	<u>Agriculture/Tributary</u>
1. Single	250'	200'
2. Duplex	375'	275'

All lots shall have a minimum width at the shoreline as stated above, measured at the ordinary high water line. All lots shall also have a minimum lot width as stated above, at the building setback from the OHW, or bluffline, whichever is greater.

All lots shall also have a minimum of one hundred (100) feet of frontage along the road right-of-way line except on cul – de - sacs where lots shall have a minimum of fifty (50) feet of lot width at the road right-of-way and all lots shall have a minimum of one hundred (100) feet of width at the front yard setback line.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. Private Access Drives – 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and a twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or Township roads shall require a permit from the local road authority.

4. Setback Regulations - from Ordinary High Water Level.

- a. Placement of Dwellings on Lots: When more than one (1) setback applies to a site, dwellings and facilities must be located to meet all setbacks. Where dwellings exist on adjoining side lots of a proposed building site, consideration may be given to alter the setback from the ordinary high water level of the proposed dwelling without a variance to meet the setbacks of those existing dwellings, provided the proposed building site is not located in a Shore Impact Zone or in a Bluff Impact Zone. If, however, one or more of the existing dwellings is less than fifty percent (50%) structurally sound (based upon the Minnesota State Building Code definition), then the dwellings(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development (for accessory structures, see “e” below).

b. Lakes.

	<u>General Development</u>	<u>Recreational</u>	<u>Natural Environment</u>
1. Structure	75	100	150
2. Septic System	50	75	150

c. Rivers

	<u>Transition</u>	<u>Agriculture/Tributary</u>
1. Structure	150	150
2. Septic System	100	75

d. Additional Structure Setbacks - Apply to all Shoreland Subdistricts:

<u>Setback from</u>	<u>Setback</u>
1. Top of Bluff	30'
2. Unplatted Cemetery	50'
3. Right-of-way line of all roads or streets, including private road easements	50'
4. Side Yards	20' on NE Lakes and Streams 10' on RD or GD Lakes
5. Rear Yard	40'

e. Accessory Structure Setbacks:

Accessory structures shall meet all structure setbacks, except as provided for in “f” below. In addition, where accessory structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the setback from the road right-of-way line of the proposed accessory structure without a variance to meet the setbacks of those existing structures. However, this administrative variance procedure shall only be permitted up to 25' of the road right-of-way line. If an applicant wishes to construct, erect, or place an accessory structure in a position on a lot which would encroach closer than 25' from the road right-of-way line, the applicant must request a variance from the setback requirement.

f. Additional Setback Regulations:

- i. The one water oriented accessory structure allowed per lot must be setback ten (10) feet from the ordinary high water level.
- ii. A use without water oriented needs, if located on a lot with public water frontage, must be setback double the normal structure setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions, and meeting the minimum normal structure setback.

Subdivision 4. Special Provisions Applicable to Lot Area and Width Standards

1. Residential subdivision with dwelling densities exceeding those established in the performance standards of each land use district can only be allowed if designed and approved as residential PUD's.

2. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:
  - a. Each building must be set back at least 200 feet from the ordinary highway water level.
  - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building.
  - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
  - d. No more than twenty-five percent (25%) of a lakes shoreline can be in duplex developments.
3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subdivision 3, 2 & 3 of this Section, provided the following standards are met:
  - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
  - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed fifteen (15) feet in height.
  - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
4. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian 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 (6) 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 (6), consistent with the following table:

Controlled Access Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
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 non-riparian lots in the subdivision who are provided riparian access rights on the access lot.

- 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 non-significant 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.

#### Subdivision 5. 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 least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
  - b. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet 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.
  - 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 Structure: Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in Subdivision 3, #4 of this Section, provided 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 120 square feet. Detached decks must not exceed eight (8) 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 (10) 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.
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 (4) 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.
  - 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 sub-items (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 values of the site unless adequate information about the site has been removed and documented in a public repository.
5. Steep Slopes: The Isanti County 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.

#### Subdivision 6. 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.

1. Vegetation Alterations.

- a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subdivision 7 of this Section are exempt from the vegetation alteration standards that follow. However, if such alteration substantially reduces vegetative screening, replanting of native species may be required through the appropriate permit process.
- b. Removal or alteration of vegetation, except for agricultural and forest managements uses as regulated in Subdivision 9, #2 and 3 respectfully, in this Section, is allowed subject to the following standards:
  - i. 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.
  - ii. 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 principle 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 surface is preserved.
    - 3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographic Alterations/Grading and Filling.

- a. 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 Section must be incorporated into the issuance of permits for construct of structures, sewage treatment systems, and driveways.
- b. Public roads and parking areas are regulated by Subdivision 7 of this Section.
- c. Notwithstanding Item “a” and “b” above, a grading and filling permit issued by the Isanti County Zoning Office will be required for:
  - i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.

- ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
  
- d. 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.
  - i. 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 run-off to prevent or reduce flood damage.
    - 3) Fish and wildlife habitat.
    - 4) Recreational use.
    - 5) Shoreline or bank stabilization.
    - 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 approval 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.
  
  - ii. 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.
  
  - iii. 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.
  
  - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
  
  - v. Altered areas must be stabilized to accept erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and for the United States Soil Conservation Service.
  
  - vi. Fill or excavated material must not be placed in a manner that creates an unstable slope.
  
  - vii. Plans to fill or excavate material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
  
  - viii. Fill or excavated material must not be placed in bluff impact zones.
  
  - ix. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245, or as amended.

- x. 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.
  - xi. Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the rip rap is within ten (10) feet of the ordinary highway water level, and not more than five (5) feet into the water (waterward) and the height of the rip rap above the ordinary high water level does not exceed three (3) feet.
- e. 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.

#### Subdivision 7. Placement and Design of Roads, Driveways, and Parking Areas

1. 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.
2. 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 alternative exist, they may be placed within these area and must be designed to minimize adverse impacts.
3. 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 6 of this Section must be met.

#### Subdivision 8. Stormwater Management

The following general and specific standards shall apply:

1. General Standards.
  - a. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on this site.
  - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off 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.

2. Specific Standards.

- a. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
- b. 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.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 9. Special Provisions for Commercial, Industrial, Public/Semi-public, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

1. Standards for Commercial, Industrial, Public and Semi-public Uses.

- a. Surface water oriented commercial uses and industrial, public, or semi-public 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.
  - i. 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.
  - ii. 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.
  - iii. 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 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) 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 (10) 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.



- b. 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.
5. 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, Section 93.44 to 93.51 are satisfied.

#### Subdivision 10. Non-Conformities

1. Construction on Non – conforming Lots of Record.
- a. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this section, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
  - b. Existing nonconforming lots in shoreland areas. This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to this subdivision. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
    - (1) all structure and septic system setback distance requirements can be met;
    - (2) a Type 1 sewage treatment system consistent with the Minnesota Pollution Control Agencies rules on onsite septic systems, can be installed or the lot is connected to a public sewer; and
    - (3) the impervious surface coverage does not exceed 25 percent of the lot.

- c. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
  - (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
  - (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Pollution Control Agencies rules on onsite septic systems, and local government controls;
  - (3) impervious surface coverage must not exceed 25 percent of each lot; and
  - (4) development of the lot must be consistent with an adopted comprehensive plan.
- d. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- e. Notwithstanding paragraph (c), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Pollution Control Agencies rules on onsite septic systems, or connected to a public sewer.
- f. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- g. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

2. Additions/Expansions to Non-Conforming Structures.

- a. All additions or expansions to be outside dimensions of an existing non-conforming structure must meet the setback, height, and other requirements of Subdivision 3 and 4 of this Section. Any deviation from these requirements must be authorized by a variance pursuant to Section 20.
- b. Deck additions may be allowed without a 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.
  - i. The structure existed on the date the structure setbacks were established.
  - ii. 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.
  - iii. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high

water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.

- iv. The deck is constructed primarily of wood and is not roofed or screened.

#### Subdivision 11. Planned Unit Development (PUD)

##### 1. Purpose:

The purpose of this Subdivision is to provide the means of designing building complexes containing an internal relationship between buildings and between building(s) and site(s) that cannot be accomplished through the standard one building - one lot application of this Ordinance. This Subdivision provides a procedure for the development of more than one structure upon a single tract or lot, as well as the integrated development of one or more lots as a single tract in the Shoreland District. The Planned Unit Development (hereinafter referred to as PUD) is intended for use only as a commercial development and where the usual application of bulk and density controls (1) would not provide adequate environmental protection; (2) would allow design standards detrimental to the natural aesthetic and physical characteristics of the site; (3) would not provide an efficient and feasible use of the land.

##### 2. Administrative Procedure.

- a. An applicant for a Planned Unit Development shall follow the procedure as outlined for a Conditional Use Permit in Section 18 of this Ordinance. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- b. The applicant for a PUD shall obtain the application for the Conditional Use Permit at the office of the Zoning Administrator and simultaneously follow the County Subdivision Ordinance to secure both preliminary and final design approval from the Planning Commission and the County Board.

##### 3. General Regulations.

- a. All other development regulations of the appropriate Zoning District not specified in this Subdivision or specified as a condition to the Conditional Use Permit shall apply to a Planned Unit Development.
- b. It is the intent of this Subdivision that subdivision of the land involved be carried out simultaneously with the review of a Planned Unit Development.
- c. The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for Planned Unit Development.
- d. The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the County shall be required.
- e. No conveyance of property within the Planned Unit Development shall take place until the property is platted in conformance with the provisions of this Subdivision and applicable to the County Subdivision Ordinance. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the County Attorney and filed with the record plat.

- f. All buildings shall be used only for those purposes and the customary accessory uses of the Zoning District in which the PUD is located.
  - g. There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirements of Section 14, Subdivision 2 of this Ordinance.
  - h. Drives, access ways and common parking areas must be developed to a standard equal to that required or public use by Section 14, Subdivision 2. Such drives and access ways must be protected by recorded deed covenants assuring their availability to all residents of the project.
4. Site Design Outside Shoreland Areas.
- a. The number of principal use structures which may be constructed within the Planned Unit Development shall be determined by dividing the net acreage of the project area by the required lot area per unit which is required in the district which the Planned Unit Development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. The project area includes all the land within the Planned Unit Development which is allocated for residential, commercial, or industrial uses, and for common open space as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
  - b. The common open space, any other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
  - c. The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
  - d. All Planned Unit Developments shall be served by central sewer and water facilities.

5. Site Design in Shoreland Areas.

- a. Site Suitability 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 5b below.
  - i. 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

	<u>Unsewered (feet)</u>	<u>Sewered (feet)</u>
General Development Lakes - First Tier	200	200
General Development Lakes - 2nd + addl. tiers	267	200

Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

ii. 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.

b. Residential and Commercial PUD Density Evaluation: The procedures for determining the base density of a PUD and density increase multipliers are as follow. 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.

i. Residential PUD Base Density Evaluation

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 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 this Section.

ii. 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)

*Ave. Unit Floor Area (Sq. Ft.)	Sewered general development lakes; first tier on unsewered General development lakes; urban, agricultural, tributary river segments	Second& additional tiers on unsewered general development lakes; Recreational development lakes; transition and forested river segments	Natural environment lakes and remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
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 camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 3) Multiply the suitable area within each tier by the floor area ratio to yield 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 1 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 this Section.

iii. Density Increase Multipliers

- 1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in this Section are met or exceeded and the design criteria in this Section are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (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 twenty-five (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 <u>Tiers</u>	Maximum Density Increase <u>Within Each Tier (percent)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

6. Standards for Common or Public Open Space

- a. No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:
  - i. The location, shape, size, and character of the common open space must be suitable for the PUD.
  - ii. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
  - iii. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open spaces must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved conditions.
  - iv. The development plan must coordinate the improvement of common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the Planned Unit Development is located.
  - v. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The County Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
  - vi. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of the principal structures of the PUD.
- b. Open space requirements for PUD's in Shoreland Areas must meet the following criteria.
  - i. At least fifty (50) percent of the total project area must be preserved as open space.
  - ii. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
  - iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

- iv. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
  - v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  - vi. Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities.
  - vii. 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.
  - viii. The Shore Impact Zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty (50) percent of the Shore Impact Zone area of existing developments or at least seventy (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 fifty (50) percent of the Shore Impact Zone must be preserved in its natural state.
- c. Maintenance and Administration Requirements for Shoreland PUD Open Space.
- i. 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:
    - 1) Commercial uses prohibited (for residential PUD's).
    - 2) Vegetation and topographic alterations other than routine maintenance prohibited.
    - 3) Construction of additional buildings or storage of vehicles and other materials prohibited.
    - 4) Uncontrolled beaching of watercraft prohibited.
  - ii. 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.
    - 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
    - 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
    - 3) Assessments must be adjustable to accommodate changing conditions.

- 4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

## 7. Conveyance and Maintenance of Common Open Space

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

## 8. Required Covenants, Easements and Provisions in the Plan

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

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development shall be subject to all conditions so imposed, and shall

be exempted from other provisions of this Ordinance only to the extent specified in the authorization.

9. Guarantee the Provision of Common Open Space

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

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

10. Other Provisions for Shoreland PUD's

- a. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

- i. 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.
- ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater run-off. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area, except that for commercial PUD's thirty-five (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 8 of this Section.

- b. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards.

- i. 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 4 of this Section and Section 14, Subdivision 3 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.
- ii. 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 #5;b;iii,(1) of this Subdivision for developments with density increases.

- iii. 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.
- iv. 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.
- v. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- vi. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subdivisions 4 and 5 of this Section and are centralized.

#### 11. Conversions in Shoreland Areas

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:
  - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
  - ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
  - iii. 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 #5; b of this Subdivision 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.

12. Final Approval

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

13. Final Action by Applicant

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

14. Control of Planned Unit Development Following Acceptance

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

15. Amendments to the Final Development Plan

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

16. Failure to Begin Planned Unit Development

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

SECTION 12. Rum River Scenic District (SR)

Subdivision 1. Purpose

In order to preserve and protect the Rum River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values; the Rum River in Isanti County has been given the Scenic River classification, the boundaries of which are based on the Rum River Management Plan.

The boundaries of the Rum River Scenic Land Use District shall be those set forth on the map designated as the Isanti County Official Zoning Map which is made a part of this Ordinance and is on file in the Isanti County Zoning Office. These boundaries for zoning and zoning purposes shall extend back seven hundred (700) feet from the ordinary high water mark of the river and its oxbows.

Subdivision 2. Height, Yard, Lot Width and Depth Requirements

1. The following sets forth the minimum area, setbacks, and other requirements of the SR District:

- a. Minimum lot size above ordinary high water mark 4 acres
- b. Lot width at building line 250'
- c. Lot width at ordinary high water mark 250'
- d. Building setback from ordinary high water mark 150'
- e. Building setback from bluffline 30'  
Building setback from bluffline in Agriculture/Residential District 30'
- f. On-site sewage treatment system setback from ordinary high water mark 150'
- g. Maximum structure height, except agricultural structures 35'
- h. Controlled vegetative cutting area (See Subdivision 6)  
Setback from ordinary high water mark 150'  
Setback from bluffline 30'

2. On tributaries, (Spencer Brook, Green Lake Brook, Stanchfield Creek, Stanchfield Brook, Isanti Brook) the following setbacks apply:

- a. Building setbacks from ordinary high water mark 150'
- b. On-site sewage treatment system setback from ordinary high water mark 75'
- c. Controlled vegetative cutting area setback from ordinary high water mark 100'

3. No structure shall be placed on any slope greater than twelve percent (12%) (12 feet vertical rise in 100 feet horizontal distance) unless such structure can be screened from river view with natural

vegetation and where engineering or architectural documentation is provided that the lot can be adapted to the dwelling unit.

4. Front Yard Regulations:

There shall be a front yard setback of not less than:

- a. 130 feet from highway right-of-way lines, from expressways and four lane highways, U.S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads, including private road easements.
  - d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No buildings shall project beyond the front yard of either road.
5. Side Yard Setback Regulations: There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.
6. Rear Yard Setback Regulations: There shall be a rear yard having a depth of not less than forty (40) feet.

Subdivision 3. Substandard Lots

Lots of record in the office of the 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: the lot was in separate ownership on the date of the enactment of this Ordinance and all sanitary requirements are complied with.

Subdivision 4. Permitted Uses in the Scenic River (SR) District

1. Agricultural uses.
2. Forestry uses.
3. Essential services.
4. Sewage disposal systems.
5. Private road and minor public streets.
6. Signs which are necessary for public health and safety, and signs, indicating areas that are available or not available for use.
7. Signs not visible from the river within Business zones only.
8. Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; and accessory roads.
9. Single family dwellings.

10. Swimming pools.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. New Private Access Drives – 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or Township roads shall require a permit from the local road authority.

Subdivision 5. Conditional Uses in the Scenic River (SR) District  
(see also Section 18, Subd. 7 & 8)

1. Governmental campgrounds.
2. Private campgrounds.
3. Public accesses, including road access type with boat launching facilities and trail access type.
4. Temporary docks.

5. Other governmental open space recreational uses.
6. Other private open space recreational uses.
7. Underground mining that does not involve surface excavation.
8. Utility power transmission lines and pipelines.
9. Planned Unit Developments.
10. Assisted Living Facility.
11. Retreat Centers.
  - a. Duration of temporary lodging to be determined by the Planning Commission.
  - b. Minimum of 25 acres required.
  - c. Up to twenty five (25) people for overnight lodging.
  - d. The owner/operator/director must reside on the property.

Subdivision 6. Vegetative Cutting

The following vegetative cutting provisions shall apply in the SR District.

1. Clear cutting within the 150 foot setback area and 30 foot highest bluff line setback, except for any authorized public services such as roads and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four (4) 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 (1) and (2) above shall not be deemed to prevent:
  - a. The removal of diseased or insect infested trees of rotten or damaged trees that present safety hazards.
  - b. Pruning understory vegetation, shrubs, plants, brushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four (4) inches in diameter at breast height.

Subdivision 7. Grading, Filling, Alterations of the Beds of Public Waters

Any grading and filling work shall require a conditional use permit 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.
2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, tree clearing, and the destruction of natural amenities.
3. Grading and filling in 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 such as sod is planted.
  - c. Methods to prevent erosion and to trap sediment are employed.
  - d. Fill is stabilized to accept engineering standards.
4. Excavation of material or filling, or construction of any permanent structures or navigational obstructions is prohibited unless authorized by a permit from the Commissioner.
  5. Drainage or filling in of wetlands is not permitted.

Subdivision 8. Public Roads

A conditional use permit shall be required for any construction or rebuilding of public roads within the SR District. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Public roads include roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas.

Subdivision 9. Land Suitability

No land shall be subdivided which is determined by the County Board 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 features likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. No plat or subdivision shall be approved unless or until the subdivider has proven through the methods required by Section 3, Subdivision 6 of the Isanti County Subdivision Ordinance, that each lot in the proposed subdivision has adequate area and a suitable location for installation of a sewage system.

Subdivision 10. Planned Unit Developments

1. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this Section for planned unit developments provided:
  - a. Central sewage facilities are installed which meet the standards, criteria, rules, or regulations of the Pollution Control Agency and this Ordinance.
  - b. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements or other methods.
  - c. There is not more than one (1) centralized boat launching facility for each cluster.
  - e. The provisions of Section 11, Subdivision 11 are complied with.

Subdivision 11. Non-Conforming Uses, Substandard Uses

1. Non-conforming 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.

2. 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. Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the date of enactment of this Ordinance.

Subdivision 12. Variances

The granting of a variance shall conform to the provisions of Section 20.

## SECTION 13. Flood Plain Overlay District Regulations

### Subdivision 1. Statutory Authorization, Findings of Fact and Purpose

#### 1. Statutory Authorization.

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

#### 2. Findings of Fact:

- a. The flood hazard areas of Isanti 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 Section 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. Statement of Purpose: It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize those losses described in Subdivision 1-2(a) by provisions contained herein.

### Subdivision 2. General Provisions

1. Lands to Which This Section Applies: This Section shall apply to all lands within the jurisdiction of Isanti County, as 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. 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 materials shall include in the Flood Insurance Study, Isanti County, Minnesota and Incorporated Areas, prepared by the Federal Emergency Management Agency and dated November 5<sup>th</sup>, 2003, and all Flood Insurance Rate Map panels therein dated November 5<sup>th</sup>, 2003. The Official Zoning Map shall be on file in the Office of the Zoning Administrator and the County Auditor.
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.
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 Isanti County and shall not be deemed a limitation or repeal of any other powers granted to 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 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 and to submit technical evidence.

5. **Abrogation and Greater Restrictions:** It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
6. **Warning and Disclaimer of Liability:** This Section does not imply that areas outside the flood plain districts or and uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Isanti County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
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.
8. **Definitions:** Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Section its most reasonable application.

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.

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.

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 shore of flood flows.

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 Isanti 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.

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.

Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

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 (2) consecutive bridge crossings would most typically constitute a reach.

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 - 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.

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, travel trailers, or travel vehicles not meeting the exemption criteria specified in Subdivision 9, 3(a) of this Ordinance and other similar items.

### Subdivision 3. Establishment of Zoning Districts

1. Districts.
  - a. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Subdivision 2, 2.
  - b. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Subdivision 2, 2 as being within Zone AE but being located outside of the floodway.
  - c. General Flood Plain District. The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Subdivision 2, 2.
2. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this

Ordinance. Within the Floodway, Flood Fringe, and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in the underlying district and Subdivisions 4, 5, and 6 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.
- b. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Subdivision 11.
- 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 of this Ordinance.

Subdivision 4. Floodway District (FW)

1. Permitted Uses.

- a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, 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, hunting and fishing areas, and single or multiple purpose recreational trails.
- d. Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses.

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

3. Conditional Uses.

- a. Structures accessory to the uses listed in 4, 1 above and the uses listed in b - h below.
- b. Extraction and storage of sand, gravel and other materials.
- c. Shooting preserves, target ranges and trap and skeet ranges; provided the use is allowable in the underlying zoning district.
- d. Railroads, streets, bridges, utility transmission lines, and pipelines.

- e. Storage yards for equipment, machinery or materials.
  - f. Placement of fill.
  - g. Travel trailers and travel 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 Ordinance.
  - 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 100-year frequency flood event.
4. Standards for Floodway Conditional Uses.
- 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 Ordinance.
  - c. The Conditional Use shall be permissible in the underlying zoning district if one exists.
  - d. Fill.
    - i. 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 methods.
    - ii. 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.
    - iii. As an alternative, and consistent with Subsection (2) 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 County Board 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.
    - i. Accessory structures shall not be designed for human habitation.
    - ii. 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.
- iii. 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 five hundred (500) square feet in size, 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, as appropriate:
    - 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; and
    - 2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
- f. Storage of Materials and Equipment.
- i. 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.
  - ii. 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 County Board.
- 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 Statutes, 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. Flood Fringe District (FF)

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 provided such use does not constitute a public nuisance. All Permitted Uses shall comply with the Standards for Flood Fringe “Permitted Uses” listed in Subdivision 5, 2 and the “Standards for all Flood Fringe Uses” listed in Subdivision 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 five hundred (500) square feet for the outside dimension at ground level may be internally flood proofed in accordance with Subdivision 4, 4 (e)(iii).
  - 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, 2(a) 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.
3. Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Subdivision 5, 2(a)(b) or any use of land that does not comply with the standards in Subdivision 5, 2(c)(d) 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 Subdivision 5, 4 and 5, 5 and 10, 4 of this Ordinance.
4. Standards for Flood Fringe Conditional Uses.
- a. Alternative elevation methods other than the use of fill may be utilized to elevate a structures 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 structures basement or lowest floor if: (1) the enclosed area is above grade on at least one (1) 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:
    - i. Design and Certification. The structures 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.
    - ii. Specific Standards for Above Grade, Enclosed Areas. Above grade, fully enclosed areas such as crawl spaces for tuck under garages must be designed to internally flood and the design plans must stipulate:
      - 1) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structures walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above

grade. 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.

- 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 of this Section, shall be subject to the following:

- i. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
- ii. 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, 4(c) 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 one thousand (1,000) cubic yards of fill or other similar materials 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 the community 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 County Board. 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.

- i. 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.
- ii. 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 County Board.

f. The provisions of Subdivision 5, 5 of this Ordinance shall also apply.

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. 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 greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second 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, 5(b) 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 travel trailers and travel 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 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. General Flood Plain District

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 below. Subdivision 4 shall apply if the proposed use is in the Floodway District and Subdivision 5 shall apply if the proposed use is in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.
  - a. Upon receipt of an application for a Conditional Use Permit for a use 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.
    - i. A typical valley cross section 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.
    - ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
    - iii. Profile showing the slope of the bottom of the channel of flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
  - b. The applicant shall be responsible to submit one (1) 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 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:
    - i. Estimate the peak discharge of the regional flood.
    - ii. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
    - iii. 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 0.5 foot 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 Isanti County Board. The Isanti County Board must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Isanti County Board, prior to official action, may submit the application and all supporting data and analysis 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 Boundaries have been determined, the Isanti County Board shall refer the matter back to

the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subdivision 4 and 5 of this Section.

#### Subdivision 7. Subdivisions

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 contain a building site 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 (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe 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.
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 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.
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 should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

#### Subdivision 8. Public Utilities, Railroads, Roads and Bridges

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.
2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 4 and 5 of this Ordinance. Elevations 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.
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 the times of flooding. Any sewage treatment system designed in accordance with the States current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

Subdivision 9. Manufactured homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles

1. Expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 7 of this Section.
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 of this Ordinance. If vehicular road access for preexisting manufactured home parks is not provided in accordance with Subdivision 5, 5(a), then replacement manufactured homes will not be allowed until the property owner(s) develop a flood warning emergency plan acceptable to the Isanti County Board.
  - 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 frames ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
3. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Subdivision 9, 3(a) below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subdivisions 9(c) - 9(d) below.
  - a. Exemption. Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9, 3(b) below and further they meet the following criteria:
    - i. Have current licenses required for highway use.
    - ii. 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 trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
    - iii. The travel trailer or travel vehicle and associated use must be permissible in any preexisting, underlying zoning use district.
  - b. Areas Exempted for Placement of Travel/Recreational Vehicles.
    - i. Individual lots or parcels of record;
    - ii. Existing commercial recreational vehicle parks or campgrounds; and
    - iii. Existing condominium type associations.
  - c. Travel trailers and travel vehicles exempted in Section 9, 3(a) lose this exemption when development occurs on the parcel exceeding five hundred dollars (\$500.00) for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel 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 and 5 of this Section.

- d. New commercial travel trailer or travel 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:
  - i. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or 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, 5(a) of this Section. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
  - ii. All new or replacement travel trailers or travel 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 Subdivision 10,4 of this Section. 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 and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendance sewage and water facilities for new or replacement travel trailers or other 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. Administration

1. Zoning Administrator. An Isanti County Zoning Administrator or designee 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 of this Section.
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, 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 change or extension of a non-conforming use; 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 Non-conforming 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 of this Section.
  - 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. If there is no known elevation to the flood plain, the lowest floor shall be set at three (3') or above the ordinary high water level of the adjacent flood plain area.
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 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 Ordinance.
  - c. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variances, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. 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.
  - d. Hearings. 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 fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. 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 Commission will receive at least ten (10) days notice of the hearing.

- e. Decisions. The Board shall arrive at a decision on such appeal or variance within thirty (30) days. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Section, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the Board may prescribe appropriate conditions and safeguards such as those specified in Subdivision 10, 4(f) which are in conformity with the purposes of this Section. 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 Section punishable under Subdivision 12. 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 may be made, and as specified in this County's Official Controls and also Minnesota Statutes.
  - 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. A community 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.
4. Conditional Uses. The Planning Commission shall hear and recommend approval or denial by the County Board of all applications for Conditional Uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator shall forward the application to the Commission for consideration.
- a. Hearings. Upon filing with the Planning Commission an application for a Conditional Use Permit, the Planning Commission 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 (10) days notice of the hearing.
  - b. Decisions. The Planning Commission shall arrive at a decision on a Conditional Use within thirty (30) days. In granting a Conditional Use Permit, the Planning Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Subdivision 10, 4(f) 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. 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 Planning Commission Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

- i. Require the applicant to furnish such of the following information and additional information as deemed necessary by the 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, the relationship of the above to the location of the stream channel.
    - 2) specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
  - ii. Transmit one (1) copy of the information described in Subsection (1) 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.
  - iii. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission 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 determinations of the Planning Commission Shall Be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance and:
- i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - ii. 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.
  - iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - v. The importance of the services provided by the proposed facility to the community.
  - vi. The requirements of the facility for a waterfront location.
  - vii. The availability of alternative locations not subject to flooding for the proposed use.
  - viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - ix. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

- x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - xi. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - xii. Such other factors which are relevant to the purposes of this Ordinance.
- e. Time for Acting on Application. The Planning Commission shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to 4 of this Section. The Planning Commission shall render a written decision within sixty (60) days from the receipt of such additional information.
- f. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning Commission 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:
- i. Modification of waste treatment and water supply facilities.
  - ii. Limitations on period of use, occupancy, and operation.
  - iii. Imposition of operational controls, sureties, and deed restrictions.
  - iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
  - v. 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. Non-conforming Uses

1. A structure or the use of a structure or premises which 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:
- a. No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
  - b. Any alteration or addition to a non-conforming structure or non-conforming 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 (ie. FP-1 through FP-4 flood proofing classifications allowable in the State Building Code) except as further restricted in (c) below.

- c. The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed fifty percent (50%) of the market value of the structure unless the conditions of this Subdivision are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Communities initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the current market value of the structure, then the structure must meet the standards of Subdivisions 4 or 5 of this Section for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.
- d. If any non-conforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Section. The assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of twelve (12) months.
- e. If any non-conforming use or structure is destroyed by any means, including floods, to the extent of fifty percent (50%) or more of its market value at the time of destruction, 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, 5, or 6 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

Subdivision 12. Penalties for Violation

- 1. Violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions and safeguard established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- 2. Nothing herein contained shall prevent the County of Isanti from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
  - a. In responding to a suspected ordinance violation, the Zoning Administrator and County Board 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 of 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 thirty (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 Section.

#### Subdivision 13. 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 regional flood 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/she determines that, through other measures, land 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 Agencies (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (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. General Regulations

### 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 the County.

1. General Provisions: The following regulations shall apply to all signs hereinafter permitted in all Districts:
  - a. Signs shall not be permitted within the public right-of-way or easements except governmental signs or utility warning signs.
  - b. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
  - c. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required to be kept in good condition, and shall be repainted, removed or painted out when, in the opinion of the Board of County Commissioners, they are not so maintained.
  - d. No sign shall be placed that resembles an official marker erected by a governmental agency or shall display such words as “stop” or “danger”.
  - e. No sign shall be permitted to obstruct any windows, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
  - f. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
  - g. All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed by the owner or lessee of the property upon which the sign stands upon notice of the Board of County Commissioners.
  - h. Where a sign is illuminated, the source of light shall not shine upon any part of a residence.
  - i. Laws established in Chapter 173 of the Minnesota Statutes, 1994, or as amended, regarding advertising devices along State Trunk highways further regulate the size and location of signs. The Minnesota standards do not replace, but are in addition to these regulations.
2. Permitted Signs:
  - a. Agricultural crop demonstration information signs.
  - e. A name plate sign identifying the owner or occupant of a dwelling unit, provided surface area does not exceed two (2) square feet. Such sign may be illuminated.

- f. A sign pertaining to the lease or sale of a building or property; provided such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
  - d. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:
    - i. One (1) sign located in the development not to exceed ninety-six (96) square feet in surface area, nor more than fifteen (15) feet in height.
    - ii. Directional signs not to exceed four (4) square feet in surface area, provided that each subdivision shall be limited to one (1) such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
  - e. A temporary non-illuminated sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign shall not exceed ninety-six (96) square feet each surface area and is more than fifteen (15) feet in height.
  - f. One (1) identification sign, not to exceed thirty-five (35) square feet in area, for the following uses: church, school, hospital, parks and recreation areas, established subdivisions for which a final plat has been recorded, or similar uses. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.
  - g. Special event signs such as garage sales, sporting events, graduation celebrations or receptions, provided the signs are temporary in nature and shall be removed within 48 hours following said event.
  - h. Campaign signs announcing the candidate seeking political office, advertising political issues or the data pertinent thereto providing said sign shall be removed within (10) days following the election for which they were intended.
  - i. Real estate signs announcing the owner, manager, Realtor or other person directly involved in the sale or rental of the property.
  - j. A sign for the on premise sale of agricultural products not to exceed thirty-five (35) square feet in area.
3. Billboard signage (off premise) and free standing on-premise business signs are allowed through the issuance of a conditional use permit and a sign permit and shall be subject to the following conditions:
- a. Billboards are only allowed to be placed within the B – Business District and the I General Industry District.
  - b. Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of lot frontage.
  - c. Such advertising structure may not contain more than two (2) signs per facing and each total of no more than four (4) signs per structure.

- d. Advertising structures shall be limited to not more than fifty (50) feet in total length.
  - e. Advertising structures shall not exceed forty – five (45) feet in height above the average grade.
  - f. No advertising sign shall be erected within fifty (50) feet of any adjoining Residential District.
  - g. No advertising sign shall be permitted within ten (10) feet of any road or highway right-of-way.
4. Permit Fees:
- a. From and after the effective date of this Ordinance, the owner or other person having control of any sign, except those signs authorized as permitted signs in #2 above, shall file an application for a permit. Application for such permits shall be accompanied by detailed plans and such other necessary information to determine the location and compliance with all application regulations, and a permit may be issued upon payment of the required permit fee.
  - b. The permit and inspection fee for signs, when required, shall be established by resolution of the Board of County Commissioners.

#### 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 the County.

1. Minimum Size Regulations:

Each space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) 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 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 construed to be the nearest whole number.

- c. 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. Yards: On-site parking and loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located, except that:
- a. In a B - Business District, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way, or any Shorelands, Agriculture/Residential District.
  - b. In Industry Districts, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, or any Shorelands, Agriculture/Residential District except for railroad loading areas.

5. Buffer Fences and Planting Screens:

On-site parking and loading areas near or abutting Shorelands or Residence Districts shall be screened by a buffer fence of adequate design or a plating 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 a part of the initial construction.

6. 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 Residence District shall be prohibited.

7. 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 (1) or more buildings or uses in B – Business District and in I Industry District, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

8. Construction and Maintenance:

- a. In the B - Business Districts and I Industry 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.

9. Lighting:

Lighting shall be reflected away from the public right-of-way and nearby or adjacent Shorelands,

Agriculture/Residential Districts.

10. 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.

11. 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:

TYPE OF USE	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Residential Dwellings	Two (2) spaces
Multiple Family Dwellings	One and one-half (1 1/2) spaces per unit
Churches, Assembly or Exhibition Halls, Auditorium, Theater or Sports Arena	One (1) space for each four (4) seats, based upon design capacity.
Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool	Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of principal building floor area
Automobile service station	Four (4) spaces, plus two (2) spaces for each service stall
Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair	One (1) space for each five hundred (500) square feet of floor area
Bowling alley	Five (5) spaces for each bowling lane
Drive-In restaurant	Twenty (20) spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater
Motel or motor hotel	One (1) space for each rental room or suite
Restaurant, cafe, night club, tavern or bar, retail stores and service establishments	One (1) space for each one hundred (100) square feet of floor area
Research, experimental or testing stations	One (1) space for each employee on the major shift or one (1) space for each five hundred (500) square feet of gross floor area within the building, whichever is greater

Storage, wholesale or warehouse establishments	One (1) space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises
Manufacturing or processing plant	One (1) space for each two (2) employees on the major shift or one (1) space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company vehicle when customarily kept on the premises.

12. Required Loading Areas:

- a. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the on-site parking areas.
- b. Unless otherwise specified, a loading berth shall be no less than fifteen (15) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- c. Required loading spaces:

TYPE OF USE	NUMBER OF REQUIRED LOADING SPACES
Retail sales, service stores	One (1) space for each six thousand (6,000) square feet of floor area
Manufacturing, fabrication, processing and warehousing	One (1) space for each building having three thousand (3,000) square feet of floor area plus one (1) space for each additional twenty-five thousand (25,000) square feet of floor area up to one hundred thousand (100,000) square feet plus one (1) space for each fifty thousand (50,000) square feet of floor area over the first one hundred thousand (100,000) square feet
Use not specifically noted	As determined by the County Board following review by the Planning Commission

Subdivision 3. Sanitary Provisions

1. Publicly owned sewer systems and water systems must be used where available. All sewage and water systems hereafter constructed or altered shall conform with the provisions of this Subdivision and any other ordinance or regulations of the County and Minnesota Rules, Chapter 7080, or as amended, which regulate Individual Sewage Treatment Systems, as promulgated by the Minnesota Pollution Control Agency and the Minnesota Department of Health Standards for

water quality.

2. Water Systems:

- a. Public water facilities including pipe fittings, hydrants, etc. shall be installed and maintained as required by standards and specifications as established by the Minnesota Department of Health.
- b. Individual wells shall be constructed and maintained according to standards and regulations approved by the Minnesota Department of Health.

3. Land Application and Disposal of Septage:

- a. All septage hereafter disposed of shall conform to the Environmental Protection Agency (E.P.A.) 503 Rule.
- b. In addition, the following Minnesota Pollution Control Agency (MPCA) setbacks will be enforced:
  - i. Property lines and road rights-of-way 10 ft.
  - ii. Grassed waterways 100 ft.
  - iii. Private wells 200 ft.
  - iv. Intermittent streams, tile inlets, sinkholes, wetlands 200 ft.
  - v. Recreational trails and existing & proposed residences 200 ft.
  - vi. Surface water
    - Summer; May 1<sup>st</sup> – October 31<sup>st</sup> 200 ft.
    - (if a 50' buffer of permanent vegetation between the site and the surface water is established)
    - Summer; without a buffer 600 ft.
    - Winter; November 1<sup>st</sup> – April 30<sup>th</sup> 600 ft.
  - vii. Residential and commercial development and public contact sites 600 ft.
  - viii. Public wells 1,000 ft.
  - ix. Separation between redoximorphic features in the soil and application point (surface or injection) 24 inches
- c. All site application permits must include soil boring records, submitted by a site designer licensed by the MPCA, and a copy of the agronomic loading rates for the crops planted and must be approved prior to any land application of septage. Permits may be issued for seasonal dumping only (i.e. winter or summer applications only).

4. Licensing:

No sewer permit shall be issued by the County to the applicant until such time the person, firm, or corporation engaging in the design, site evaluation, installation, or construction of any sewage treatment system provides a copy of a valid MPCA issued license authorizing said person, firm, or corporation to conduct said activity in the State of Minnesota.

A homeowner may install a sewage treatment system, with the exception of any above grade or pressurized system, at his/her homestead once in a calendar year without first obtaining the above-described license from the Minnesota Pollution Control Agency, provided, however, that the

homeowner must comply with all other requirements of the Isanti County Zoning Ordinance and all state laws and regulations, including the Minnesota Pollution Control Agency rules. The homeowner must not proceed with such installation without obtaining the necessary permits from the Isanti County Zoning Office, and must have every phase of the installation inspected by the Isanti County Zoning Office at such stages and times as the Zoning Office determines. There shall be a re-inspection fee for each inspection. If the homeowner arranges for, hires, or subcontracts for services or assistance in the installation of the sewage disposal system, a person or entity providing such assistance or services must be fully licensed under this Ordinance.

5. Permits.

- a. No person, firm, or corporation shall install, alter, repair or extend any sewage disposal system in the County without first obtaining a permit from the County Zoning Administrator for the specific installation, alteration, repair or extension; and, at the time of applying for said permit, shall pay a fee established by the County Board of Commissioners. Such permits shall be valid for a period of twelve (12) months from the date of issue. Site evaluations shall be valid for twelve (12) months from the completion date.
- b. Applications for permits shall be made in writing upon printed forms furnished by the County Zoning Administrator and shall be signed by the applicant.
- c. Each applicant for a permit shall have thereon the correct legal description of the property for the proposed installation, alteration, and/or repair, and be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, as requested by the Isanti County Zoning Administrator or his/her representative, attesting to the compliance with the requirements and standards of this Ordinance. A complete plan must include the location, size, and design of all parts of the system to be installed, altered, repaired, or extended. Such plan must include, but is not limited to, the results of soil boring tests and percolation tests conducted on the property upon which the proposed installation is to take place. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person, firm, or corporation who is to install the system, and shall include such further information as may be required by the County Zoning Administrator.
- d. The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.
- e. All systems must be designed, installed and maintained by a Minnesota Pollution Control Agency (MPCA) licensed professional (Minnesota citation).

6. Construction Requirements:

Every individual sewage disposal system installed after the effective date of this Ordinance and every alteration, extension and repair to any system made after that date shall conform to the standards adopted in Subdivision 3 of this Section. Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed, or installed in accordance with this Subdivision shall be so relocated, reconstructed or reinstalled as to comply with the standards of those items.

7. Inspection Requirements:

The permittee shall notify the County Zoning Office a minimum of twenty-four (24) hours prior to the required inspection. Inspection will be scheduled and completed during regular Isanti County Zoning business hours. All changes from the approved permit design shall require the approval by the designer of the system and by the County prior to construction. If the permittee provides proper notice and the County does not provide an inspection within three (3) hours after the time set, the permittee may complete the construction. The permittee shall then, with the as-built, include photographs of the uncovered system. The permittee must provide an as-built and photographs of the construction to the County within five (5) working days of the completion of the project.

8. No owner of a tract of land located in the Shoreland District or the Rum River Scenic District as defined in this Ordinance, or in the Shoreland as defined in Minnesota Rule 6120.2500 et seq., or other applicable state rules, upon which a dwelling is located, or upon which a structure having an on-site sewage treatment system is located, shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a Point of Sale Certificate of Compliance to the buyer prior to the sale in accordance with the following requirements:

- a. Time of sale shall be defined as the time of execution of any document providing for the conveyance by deed or contract.
- b. The proposed purchaser shall not take occupancy of the dwelling or structure prior to the issuance of the Point of Sale Certificate of Compliance by the Isanti County Zoning Administrator, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets forth the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the County Zoning Administrator and found to be adequate in his/her discretion, the occupancy may be permitted pending issuance of the Point of Sale Certificate of Compliance.

9. Inspection forms for the Point of Sale Certificate of Compliance shall be furnished by the Isanti County Zoning Office. The Inspection shall be performed by a licensed Minnesota Pollution Control Agency (MPCA) Designer. Results of the Inspection, in compliance or non-compliance, shall be submitted to the Isanti County Zoning Office. In the case of a sewer being in compliance with the MPCA 7080 Standards, the Isanti County Zoning Office will issue a Point of Sale Certificate of Compliance for the existing sewer.

10. In addition to any standards cited in the Minnesota Pollution Control Agencies Regulations 7080, the following shall also apply:

- a. Any new sewage treatment system must have a septic tank with a minimum capacity of 1,250 gallons and any system using a pump chamber must have a chamber with a minimum capacity of 1,000 gallons.
- b. All new and upgraded sewage treatment systems for individual dwellings shall be sized for a Type I dwelling.
- c. If any homeowner arranges for, hires, or subcontracts for services or assistance installing the sewage treatment system, a person or entity providing such assistance or services must be fully licensed by the Minnesota Pollution Control Agency.

- d. There shall be no buried suction lines closer than twenty (20) feet from any buried sewer line, and any buried sewer line located between twenty (20) feet and fifty (50) feet from a suction line must be air tested at five (5) lbs. for fifteen (15) minutes.
  - e. The use of a gravelless drainfield pipe in sandy soils is prohibited.
  - f. A compartment tank or multiple tanks must be installed if sewage is pumped to the septic tank.
  - g. Any system receiving a notice of non-compliance must be upgraded within ten (10) months after the owner receives a notice of non-compliance. Except any system that presents an imminent threat to public health or safety, as defined by the Minnesota Rules Chapter 7080 or as amended, must be upgraded or the use must be discontinued within 30 days upon receipt of written notice.
  - h. The use of warrantied systems is prohibited within Isanti County.
11. Performance Systems (7080.0179) are incorporated by reference into this Ordinance – These systems shall not be considered as a standard Individual Sewage Treatment System.
12. Monitoring and Mitigation Plans
- a. Monitoring and mitigation plans are required for systems under parts 7080.0178 and 7080.0179. They shall be developed and approved before issuance of a permit for the system. Monitoring and mitigation plans shall be signed by the permittee and approved by the Isanti County Zoning Office.
  - b. Monitoring plans may be modified as necessary and reapproved by the Isanti County Zoning Office.
  - c. Monitoring Plans
    - 1. A monitoring plan must adequately detail the operation, maintenance, and monitoring necessary for the proposed design to ensure both continued system performance as designed and public health and environmental protection for the life of the system. The plan must prescribe the type and frequency of monitoring and require routine flow measurement.
    - 2. Monitoring results shall be submitted annually by the permittee to the Isanti County Zoning Office. The Isanti County Zoning Office must maintain the monitoring results. Monitoring plans must require the permittee to notify the Isanti County Zoning Office within 30 days if monitoring results do not meet monitoring plans.
  - d. Mitigation plans. The mitigation plan must indicate what the permittee will do if the system fails to provide treatment and disposal or public health and environmental protection. The plan must detail the actions, responsible parties, and appropriate timelines for mitigation.

#### Subdivision 4. Performance Standards

It is the intent of this Subdivision to provide that uses of land and buildings in ALL CLASSES OF BUSINESS AND INDUSTRY 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. Landscaping and Screening:

All required yards for any structure shall either be 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 a sightly and well kept condition. Yards adjoining any of the Residence Districts shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as a part of the site plan and installed prior to issuance of a Certificate of Occupancy for any tract in the District.

b. Emission or creation of noise, odors, heat, glare, vibration, smoke and toxic or noxious fumes shall conform to standards established by the Minnesota Pollution Control Agency. Every use established, enlarged or remodeled after the effective date of this Ordinance shall be operated with reasonable precautions against fire and explosion hazards.

c. Exterior Lighting:

Any lights used for exterior illumination shall be diffused or directed away from adjoining properties and public streets.

d. Waste Material:

No waste materials shall be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land.

e. Water Pollution:

All uses and activities shall conform to water pollution standards and/or controls adopted by the Minnesota Pollution Control Agency and other agencies and governing bodies which have such powers and controls over the territory of this Ordinance.

f. Fire and Explosives:

As regulated by the State of Minnesota Statutes.

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 are required to show adherence to the performance standards.

Such investigations 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 5. Additional Requirements, Exceptions and Modifications

1. Height Regulations:

- a. There shall be a maximum height limitation of thirty-five (35) feet on all structures within the County.
- b. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established road elevation at the property line, an allowance of one (1) story may be added to the number of permitted in the district in which the lot is situated provided the additional story is situated on the downhill side of any building.
- c. Any tower, spire, or elevator, etc. that exceeds this height must be granted a Conditional Use Permit (Section 18) and then only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation. Height limitations set forth in other Sections of this Ordinance may be increased by one hundred percent (100%) when applied to the following:
  - i. Monuments
  - ii. Flag poles
  - iii. Cooling towers
  - iv. Grain elevators
  - v. Church spires, belfries or domes which do not contain usable space
  - vi. Water towers
  - vii. Chimneys or smokestacks
  - viii. Radio or television transmitting towers
  - ix. Silos
  - x. Power poles or other poles or towers upon which transmission lines are strung.
  - xi. Small wind generating conversion systems
    - a. the minimum distance for a small wind generating conversion system must have a setback of 1.1 times the height of the tower to the property lines, 750' from other dwellings, not the property owners, 2 times the height of the tower from the dwelling at which the tower is located, 1.1 times the height of the tower to the road right of ways, other right of ways, public conservation lands, types 3, 4 and 5 wetlands, 2 times the height of the tower to other structures, such as garages, 2 times the structure setback for lakes and rivers and 750' from the existing wind energy conversion systems (WECS).
    - b. wind generating conversion systems are not allowed in the shoreland districts but that non – commercial wind generating conversion systems are allowed in the river scenic districts.
    - c. any larger wind generating conversions systems will require a conditional use permit and the same setbacks will apply.

2. Yard 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 (4) feet, six (6) inches.
- b. Fire escapes may extend into the required front yard a distance not to exceed four (4) feet, six (6) inches.
- c. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) 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 (3) feet, six (6) inches may be placed around such 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. 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.
- g. On double frontage lots, the required front yard shall be provided on both streets.
- h. For any intersection of roads, there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the right-of-way lines of two (2) intersecting roads and a straight line joining the two (2) said right-of-way lines at points seventy-five (75) feet distance from their point of intersection. All obstructions must also conform to the side yard setback requirements.

#### Subdivision 6. Temporary Habitation Permits

In case of fire, wind or other disaster interfering with a present use or while permitted use is being constructed or altered pursuant to permit, the County Zoning Administrator may issue a temporary habitation permit for a period not to exceed one (1) year or until such use is restored or completed in accordance with this Ordinance which will permit the occupancy of any dwelling herein described.

#### Subdivision 7. Environmental Review Program

##### 1. Purpose.

The purpose of the Environmental Review Program Section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statute 116D.04 Subdivision 2a (1994) and Minnesota Statutes 116D.01 (1994) as amended, to implement the Environmental Review Program in accordance with Minnesota Rules, Chapter 4410, one copy of which is on file in the office of the Zoning Administrator.

##### 2. Actions Requiring Environmental Assessment Worksheets (EAW)

- a. General. The purpose of an Environmental Assessment Worksheet (EAW) is to assess rapidly in a worksheet format, whether a proposed action is a major action with the

potential for significant environmental effects and in the case of a private action, is of more than local significance.

- b. EAW Required. An EAW shall be prepared for projects that meet or exceed threshold limits specified in Minnesota Rules, 4410.4300, subparts 2 to 34 (1993), or as amended.
- c. Optional EAW. The County Board may, upon recommendation of the Zoning Administrator, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- i. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing.
- ii. Is the action likely to have disruptive effects such as generating traffic and noise.
- iii. Will the action have significant impacts on any School District located in the County.
- iv. Are there public questions or controversy concerning the environmental effects of the proposed actions.
- v. Is the action in or near a wetland or on soils unsuitable or sensitive toward the proposed action.
- vi. Is the action more than a local impact.

### 3. Action Requiring Environmental Impact Statements (EIS)

- a. General. An Environmental Impact Statement (EIS) shall be required whenever it is determined that an action is major and has the potential for significant environmental effect. In making this determination, projects that meet or exceed the threshold limits specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24, or as amended, indicate that an EIS should be prepared.

### 4. Action Not Requiring Environmental Documents

Projects exempt from the preparation of an EAW or EIS are specified in Minnesota Rules, Chapter 4410.4600, subparts 2 to 26 (1993), or as amended.

### 5. Review Procedures and Administration

- a. The Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program.
- b. The applicant for a permit for any action for which environmental documents are required by Minnesota Laws or regulations shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably requested by the County that the applicant has in his/her possession or to which he/she has reasonable access.

- c. The Zoning Administrator shall be responsible for determining whether an action for which an EAW or EIS is required under Subdivision 8, paragraph 2 of this Section. The Zoning Administrator shall also determine those proposed actions for which an Optional EAW may be required under Subdivision 8, paragraph 2 of this Section and shall notify the Planning Commission and County Board of these proposed actions.
- d. All EAW's and EIS's shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission, and reviewed and approved by the County Board.
- e. When reviewing an EAW or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations or other alternatives including no action which would lessen the environmental impact of the action. The County Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
- f. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds that project thresholds are met or exceeded as specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24 (1993), or as amended.

6. Enforcement

- a. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
- b. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established in this Ordinance are fully complied with.

7. Cost of Preparation and Review

- a. No permit for an action for which an EAW or EIS is required shall be issued until all costs of preparation and review are paid by the applicant; all information required is supplied; the environmental review process has been completed as provided in this Section; and pursuant to any written agreement entered into between the applicant and County Board as provided under "b" below.
- b. The applicant for a permit for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to the different divisions of costs for the preparation and review of any EAW or EIS.

Subdivision 8. Permits and Information Filing Requirements for Essential Services

- 1. Since essential services may have an effect upon urbanizing areas of the County, County Land Uses, County Highway locations, and County parks and recreation areas, the location of all such essential services in any Zoning District shall be filed with the County Engineer prior to commencement of any condemnation action or construction by the owner.

2. Applications for essential services not located within highway and street rights-of-way shall be governed by the following procedures:
  - a. The applicant shall file with the County Engineer such maps indicating location, alignment, and type of service proposed as shall be requested, together with the status of any applications made or required to be made under State law to any State or Federal Agency.
  - b. The maps and accompanying data shall be submitted to the County Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.
  - c. Following such review, when deemed necessary or when requested by the County Board, the Planning Commission shall make a report of its findings and recommendations on the proposed essential services and shall file such report with the County Board.

#### Subdivision 9. Auto Salvage and Auto Storage Yard Standards

1. The following standards apply to the operation of an automobile salvage yard and storage yard:
  - a. Designated vehicle salvage and/or storage areas shall be totally screened by means of berms, fencing, or landscaping so the area shall not be visible from public roads nor from dwellings that are located on adjacent lots. Screening shall be completed within ninety (90) days from receipt of such notice from the Zoning Administrator.
  - b. Hours of outside operations for salvage yards shall be limited from 8:00 a.m. to sunset Monday through Saturday and no Sunday operations unless such operations are conducted solely within an enclosed building.
  - c. The salvage yard and/or storage yard site shall not border on a residential zoned area, nor shall it border on any shoreland area. In addition, any new auto salvage or auto storage yard shall be located a minimum of 1,000 feet from any existing dwelling. However, if the existing dwelling is part of an auto storage or auto salvage operation, the 1,000 feet separation shall not apply. The owner/operator must also be the property owner and have his/her principal residence on the site.
  - d. The minimum area under the ownership of the owner/operator shall be five (5) acres, of which no more than two (2) acres be used for motor vehicle salvage and/or storage, the placement of the business's buildings and any other related activity. The two (2) acres upon which the business activity is located must be a contiguous area within the five (5) acre parcel and must meet all yard setback and screening provisions herein. The owner/operator shall also be required to maintain his/her homestead residence on the parcel and shall be restricted from converting the dwelling to a rental property.
  - e. Vehicle Storage
    - i. All vehicles must remain upright unless the motor and running gear has been removed;
    - ii. No stacking of vehicles is permitted. All automobile bodies or chassis or major portions thereof, must be stored in rows not more than two (2) rows deep, with a space of at least twelve (12) feet between rows. Crushing is permitted in salvage yards once a month but not on Saturdays or Sundays;

- iii. No vehicle storage nor any business operation is permitted in any floodplain area, wetland, or in areas where groundwater is less than three (3) feet from the ground surface.
- f. **Setbacks.** All structures will conform to yard setbacks as established in this Ordinance. However, no fencing is permitted in the front yard nor is the storage of any autos. Additionally, all autos must be setback at least ten (10) feet from the rear and side property lines.
- g. The Conditional Use Permit Application must be accompanied by the following information:
  - i. Site plan which includes the location of buildings and auto storage area and all applicable linear dimensions;
  - ii. Screening plans;
  - iii. Signage plan showing the location and size of on-site signs and which conforms to standards contained in the district;
  - iv. A hazardous waste plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
    - 1) motor oil and/or fuel;
    - 2) CFCs (chlorofluoro carbons);
    - 3) auto or other motorized vehicle batteries;
    - 4) antifreeze; and
    - 5) any other substance as requested by the Zoning Administrator, County Planning Commission or County Board
  - v. Provide a copy of their EPA ID Number Notification and a copy of their Hazardous Waste License.
- h. The Conditional Use Permit for such a business terminates with a change in ownership. The new owner must re-apply for a conditional use permit addressing all of the requirements listed in this Section.
- i. Provisions herein apply to any auto salvage yard and/or storage yard that came into existence after February 10, 1982.
- j. The Planning Commission must view the proposed site, along with the County Commissioner from that District.

Subdivision 10. Commercial Wireless Telecommunication Towers and Antennas

1. Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the County finds that these regulations are necessary in order to:

- a. facilitate provision of wireless communication services to the residents and businesses of the County;
- b. minimize adverse visual effects of towers through careful design and siting standards;
- c. avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- d. 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.

## 2. Conditional Use Permit Required

It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any tower without first making application to the County and securing a conditional use permit therefore as hereinafter provided. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.

## 3. Additional Submittal Requirements

All commercial wireless telecommunication towers erected, constructed, or located within the County shall comply with the following requirements:

- a. Provide documentation of the area to be served including maps demonstrating size of communication cells and search radius for the antenna location. A narrative describing a search radius of not less than 1 mile for the requested site, clearly explaining why the site was selected, locating all existing towers, and identifying all other structures that may be potential co-location sites.
- b. For all proposed commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successor(s) to allow the shared use of the tower if an additional user agrees in writing to meet reasonable industry terms and conditions for shared use.
- c. The applicant(s) must submit a copy of the Federal Aviation Administration report.
- d. The applicant(s) must obtain the Federal Communications Commission's licensure and approval as required for various communication applications.
- e. The applicant(s) must submit proof of liability and Worker's Compensation Insurance.
- f. The applicant(s) must submit proof that towers and their antennae have been designed by and, following completion of construction, were inspected, at the applicant's expense, by a qualified and licensed engineer to conform to applicable State structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.
- g. All applications for new wireless telecommunication service shall submit an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

#### 4. Co-location Required

- a. If a new tower or antenna support structure over 99 feet in height is to be constructed, it shall be designed to accommodate a minimum of two other users of similar antenna configurations including but not limited to other cellular communication companies, police, fire and ambulance companies; if the proposed tower or antenna support structure is between 35 and 99 feet in height it shall be designed so as to accommodate at least one (1) additional user.
- b. Proposals for new commercial wireless telecommunication service towers shall not be approved unless it can be reasonably documented by the applicant(s) that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one-mile search radius of the proposed tower due to one or more of the following reasons:
  - c. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent structural engineer;
  - d. 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 competent radio frequency engineer;
  - e. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a competent radio frequency and/or structural engineer;
  - f. The applicants shall submit proof of best efforts to negotiate reasonably industry terms regarding the lease or purchase of space on an existing tower; or
  - g. Other reasons considered reasonable by the industry as documented by a competent radio frequency engineer affecting technical performance, system coverage, and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing tower.

#### 5. Tower and Antenna Design Requirement

Proposed construction or modification of towers shall meet the following design requirements:

- a. Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA or FCC painting/markings shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.
- b. Commercial wireless telecommunication service towers shall be of a monopole design unless the County Board determines that an alternative design would better blend into the surroundings.
- c. All utility buildings and utility structures accessory to a tower, if not screened in accordance with this ordinance, shall be architecturally designed to blend in with the surrounding environment.
- d. All towers shall be protected by a County-approved barrier at least 6 feet in height to

discourage climbing by unauthorized persons.

- e. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.
- f. Towers and antennae shall not be illuminated by artificial means except if the illumination is specifically required by the Federal Aviation Administration or other authority.
- g. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk.
- h. No interference with local television and radio reception will be allowed.

## 6. Screening and Landscaping

A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscape materials. Landscape materials shall be capable of screening all year and must form a continuous mass, 6 feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

The County Planning Commission may consider the substitution of other screening plans, such as decorative fencing or walls, or the use of vines on fencing, where the installation of other types of landscape materials may not be feasible.

## 7. Tower Location and setbacks

- a. Towers and accessory buildings located on any lot of record shall be subject to the appropriate side and rear setbacks established for structures in the underlying zoning districts in addition to the setbacks established in c – j below.
- b. The setback shall be measured from the center point of the base of the tower.
- c. The minimum distance from the center point of the base of a monopole to the nearest existing residential structure or any vacant parcel boundary currently platted for residential development in the Agriculture/Residential District shall be equal to two and one-half times the height of the tower. The minimum distance from the center point of the base of all other free standing tower types shall be four times the height of the tower.
- d. The minimum distance from the center point of the base of any free standing tower to the Highways 65, 47 and 95 Rights – of – way shall be four times the height of the tower.
- e. The minimum distance from the center point of the base of a free standing tower to all other County Rights-of-way shall be four times the height of the tower and may be reduced to two times the height of the tower if the tower is a monopole design.
- f. A setback may be reduced or its location in relation to a public right-of-way may be varied at the sole discretion of the County Planning Commission to allow the integration of a tower into

an existing or proposed structure such as a light standard, power line support device, building, steeple, elevator, or similar structure.

- g. Towers shall not be located between a principal structure and a public right-of-way.
- h. Towers shall not encroach upon any easements.
- i. The minimum distance from the center point of the base of a free standing tower to all designated Shoreland Districts, the Rural Service District, Rum River Scenic Areas, all DNR protected waters, or other protected environmental features shall be four times the height of the tower.
- j. The minimum distance from the center point of the base of a free standing tower to the end of an airport clear zone shall be ½ mile.

#### 8. Tower Height

- a. Tower height shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antennae or other attachments.
- b. Restrictions on the height of the tower and antennae shall be as follows:
  - 1. The height of the antenna shall be the minimum necessary to function satisfactorily as verified by a competent radio frequency engineer.

#### 9. Antennae Mounted on Roofs, Walls and Existing Towers

The placement of antennae on roofs, walls, and existing towers may be administratively approved by the County provided that the antenna meets the appropriate requirements of this code.

- a. Roof mounted antennae shall not exceed 15 feet above the highest point of the roof and shall be setback at least 10 feet from the edge of the roof.
- b. Wall or facade mounted antennae may not extend beyond 5 feet above the cornice line.

#### 10. Multiple Principal Uses and Structures on a Single Lot

For the purpose of this subdivision one tower with one or more antennae and attachments shall be permitted on the same lot as another principal use or structure subject to the requirements of this ordinance.

#### 11. Time Limit on Tower Construction

Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within one year following the date of the permit. Landscaping must be installed within the first growing season immediately following construction.

#### 12. Obsolete or Unused Towers

All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the County Board. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers.

The owner of the tower shall provide the County with an acceptable financial guarantee in an amount equal to 1 and ½ times the cost to remove the tower and related infrastructure, including footings and other underground improvements, and to restore the site. Failure to remove the structure shall be cause for the County to remove the tower and associated equipment and be reimbursed by the property owner.

### 13. Effect of the Ordinance on Existing Towers and Antennae

Antennae and towers in existence as of June 16<sup>th</sup>, 1999, which do not conform to or comply with this Subdivision are subject to the following provisions:

- a. Towers may continue in use and maintenance for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with the Subdivision. At the sole discretion of the Planning Commission, towers in existence as of June 16<sup>th</sup>, 1999, which do not conform to or comply with this Subdivision may be considered for the co-location of other users' antennae.
- b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions if the cost of repairing the tower to the former use, physical dimensions, and location would be less than fifty (50) percent of its value, as determined by the County Assessor.

### Subdivision 11. Exotic Animals and Exotic Animal Sanctuaries

#### 1. Purpose and intent.

It is the intent of Isanti County to protect the public against the health and safety risks that exotic animals pose to the community and to protect the welfare of individual animals that are held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment. The intent of this Ordinance is to use the same statutory framework as Minnesota Statute 346.155, which governs some exotic animals.

#### 2. Keeping of Exotic Animals Prohibited.

It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic animal within Isanti County.

It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within Isanti County or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal or exotic animals upon the property, residence or premises.

Exceptions. The following shall be exempt from these regulations under the conditions noted:

1. Licensed humane societies.
2. Animal control officers.
3. Licensed veterinary hospitals or clinics.
4. Any wildlife rehabilitator licensed by the State who temporarily keeps exotic animals within Isanti County when the purpose is to return the animals to the wild. Wildlife Sanctuaries are not exempt. Existing wildlife sanctuaries are exempt, except that they may not increase the number of animals they harbor on the effective date of this Ordinance. Animals that die or are transferred out may be replaced.

Grandfather Clause: Any person who owned, possessed, kept or harbored exotic animal(s) on or before the

effective date of this Ordinance shall be permitted to continue ownership or possession as long as they meet all the requirements set forth under State and Federal Law in addition to those set forth in this Ordinance.

Registration: Anyone whose exotic animal falls under the grandfather clause shall obtain registration for the animal within sixty days of the effective date of this ordinance. The requirements set forth in Minn.Stat. 346.155 Subd. 3 and 4 for "regulated animals" are hereby incorporated by reference. In addition, the animal must be housed and cared for in a manner that minimizes as much as reasonably possible the risk of harm to animal itself and any person, including the owner. This is an ongoing requirement.

A person may obtain a registration form from the Isanti County Zoning Office. The applicant must pay a \$100.00 application fee per animal. Registration shall be denied if the applicant fails to meet any of the registration requirements. A person whose animal is lawfully registered under M.S. 346.155 need not register again under this Ordinance.

Any person who successfully obtains registration within sixty days of the adoption of this Ordinance shall be permitted to hold, keep, harbor or maintain the number of exotic animals that person was legally permitted to have as of the date of the adoption of this Ordinance but shall not be permitted to increase the number of exotic animals.

Any person who has not successfully obtained registration for their animal within sixty days of the adoption of this Ordinance shall forfeit the right to keep the animal under the grandfather clause and be deemed to unlawfully possess the animal.

Inspection: At any and all times, the County shall have the right to inspect the animal and where it is housed upon reasonable notice. Any party who intentionally interferes with or obstructs the inspection violates this ordinance.

Seizure: To govern the seizure of exotic animals, the Ordinance hereby incorporates by reference M.S. 346.155 Subd. 5, except subsections 5 (e) (1) and (2). If the County established by a preponderance of the evidence that the animal owner has violated the ordinance, the County may dispose of the animal and charge the animal's owner with any costs related to the seizure. Further, the County shall not be liable for any costs related to the seizure of the animal unless the court finds that the County acted in bad faith in seizing the animal. To govern the disposition of sick exotic animals, the Ordinance hereby incorporates by reference M.S. 346.155 Subd. 6.

Violations and Penalties. Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punishable according to State Law. Each day that a violation continues shall constitute a separate offense.

## SECTION 15. Administration

### Subdivision 1. 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. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.
2. The duties of the Zoning Administrator shall include the following:
  - a. Enforce and administer this Ordinance.
  - b. Issue Building Permits and Certificate of Occupancy and maintain records thereof.
  - c. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for Conditional Use Permits.
  - d. Receive and forward all applications and petitions for matters to come before the Board of Adjustment.
  - e. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for amendments to this Ordinance.
  - f. Inspect all construction and development to insure that the standards of this Ordinance are being complied with.
  - g. Provide and maintain a public information bureau relative to matters arising out of this Ordinance.
  - h. Maintain the County Zoning Map.

### Subdivision 2. Enforcement

1. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
2. When any work shall have been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
3. It shall be the duty of the County Attorney and the Sheriff of Isanti County, when called upon by the Board of County Commissioners, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

### Subdivision 3. Other Rules Referenced in this Ordinance

1. Minnesota Statutes, Chapter 93.44 - 51  
Minnesota Statutes, Chapter 103F and 103G  
Minnesota Statutes, Chapter 116D  
Minnesota Statutes, Chapter 169  
Minnesota Statutes, Chapter 173

2. Minnesota Rules, Chapter 4410  
Minnesota Rules, Chapter 6120  
Minnesota Rules, Chapter 7080  
International Building Code, Section 3109, Swimming Pool Enclosures
3. Flood Insurance Study, dated 11/19/80  
Flood Insurance Rate Map, dated 4/3/84  
Flood Insurance Rate Map, dated 4/20/98  
Flood Insurance Rate Map, dated 11/5/03

Subdivision 4. Notifications to the Department of Natural Resources

1. 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 (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. 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 (10) days of final action.

## SECTION 16. Board of Adjustment

### Subdivision 1. Creation and Membership

1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 394, Laws of 1994, or as amended. The Board shall consist of six (6) members. One of the members shall be a member of the County Planning Commission. The members of the Board and the alternate shall be appointed yearly by the Board of County Commissioners and may be paid and reimbursed for necessary expenses. The Zoning Administrator shall act as secretary of the Board.
2. The Board of Adjustment shall elect a Chairman and Vice Chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.
3. The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.

### Subdivision 2. Powers

1. The Board of Adjustment shall have power to grant a variance adjustment in and exception to any of the provisions of this Ordinance to the extent of the following and no further.
  - a. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed except as otherwise provided in this Ordinance.
  - b. If a request for a variance is for a property in the Shoreland area and the variance is approved after the Department of Natural Resources has formally recommended denial in the hearing of record, the notification of the approved variance required in Section 15 shall also include the Board of Adjustments summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - c. To interpret zoning district boundaries on official zoning maps.
  - d. To permit the extension of a zoning district where the boundary line hereof divides a lot in one (1) ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

### Subdivision 3. Appeals

1. Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Adjustment using procedures established in Section 19.
2. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of a town, municipality, county or state.
3. The decision of the Board shall not be final and any person having an interest affected by such Ordinance shall have the right to appeal to the District Court.

## SECTION 17. Permit, Certificate of Occupancy

### Subdivision 1. Building Permit

1. No person shall erect, structurally alter, or move any building without first securing a building permit. No building permit(s) shall be issued by the County until the applicant secures a sewer permit from the County, when required.
2. Application for a building permit shall be made at the Zoning Office. Each application for a permit to construct or alter a building shall be accompanied by the following information:
  - a. A full legal description and proof of ownership.

Each application shall also be accompanied by two (2) sets of plans showing the following:

- a. Site locations.
- b. Footings and foundations.
- c. Floor plans including electrical, mechanical, plumbing, heating and air-conditioning.
- d. Cross section of the building from footing through roof.
- e. Exterior elevations, all sides.
- f. Location of well, sewer and/or utilities.
- g. Energy compliance certification for new homes only.
- h. For dwelling units, all sewage treatment system designs must accompany the application.
- i. Any other specifications and drawings necessary.

Soils Data - Soil types and the characteristics and recommendations of those types in relation to the intended use, as stated in the publication entitled "Soil Survey, Isanti County, Minnesota" compiled by the United States Department of Agriculture, Soil Conservation Service shall be shown on all site plans which are submitted as required by the Isanti County Planning Commission for their consideration in conjunction with requirements set forth in this Ordinance.

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

3. Permit fees and other fees as may be established by resolution of the Board of County Commissioners shall be collected by the Zoning Administrator for deposit with the County and credited to the general revenue fund.
4. Construction for which a building permit is approved must begin within six (6) months of issuance of the permit and must be completed in accordance with the time schedule set forth in the permit.
5. A permit authorizing an addition to an existing structure shall stipulate that an identified non-conforming sewage treatment system shall be reconstructed or replaced in accordance with the provisions of Section 14, Subdivision 3 of this Ordinance.

### Subdivision 2. Certificate of Occupancy

1. A certificate of occupancy shall be obtained before any building hereafter erected is occupied or an unoccupied building is structurally altered.
2. Every certificate of occupancy shall state that the proposed use of a building or land complies with all provisions of law and this Ordinance.

### Subdivision 3. Building Inspection

**1. Purpose.** THIS ORDINANCE PROVIDES FOR THE APPLICATION, ADMINISTRATION, ADOPTION AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH. THIS ORDINANCE SHALL PERPETUALLY INCLUDE THE MOST CURRENT EDITION OF THE MINNESOTA STATE BUILDING CODE WITH THE EXCEPTION OF THE OPTIONAL APPENDIX CHAPTERS. OPTIONAL APPENDIX CHAPTERS SHALL NOT APPLY UNLESS SPECIFICALLY ADOPTED.

Isanti County does ordain as follows:

**2. Codes adopted by reference.** The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

**3. Application, Administration and Enforcement.** The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of Isanti County is called the Zoning Office.

This code shall be enforced by the Minnesota Certified Building Official designated by Isanti County to administer the code (Minnesota statute 16B.65) subdivision 1.

**4. Permits and Fees.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in the Isanti County Zoning Ordinance. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

**5. Violations and Penalties.** A violation of the code is a misdemeanor (Minnesota statutes 16B.69)

### Subdivision 4. Utility Permits

1. Before any underground or aboveground utility, such as power lines, telephone lines, telegraph lines, sanitary or storm sewer lines, gas lines, fire lines, etc. is installed in any County Highway or County State Aid Highway, a utility permit shall be obtained from the County Board upon application to the County Engineer. The application for a new utility permit shall be accompanied by such plans, drawings, and as-built drawings as deemed necessary by the County Engineer.
2. Before any underground or aboveground utility, such as power lines, telegraph lines, sanitary or storm sewer lines, water lines, gas lines, fire lines, etc. is installed in any town road, a utility permit

shall be obtained from the Town Board with jurisdiction over the particular town road. The application for the utility permit shall be accompanied by such plans, drawings and as-built drawings as deemed necessary by the Town Board.

3. Where such utility lines are along County State Aid Highways and County Roads, the minimum width of such highways and roads being established by the County Subdivision Regulations, such utility lines may be required to conform to the right-of-way width established by this Ordinance, if such right-of-way has been acquired by the County.
4. Except that such utility permits shall not be required to maintain, reconstruct, or relocate existing lines or maintain pole line anchors where the general line established in the original permit is maintained, or such line is in existence at the time of the adoption of this Ordinance.

#### Subdivision 5. Shoreland Restrictions

No building permit shall be issued to any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, or convert, equip, use, occupy or maintain any building or structure in a shoreland district until the individual sewage treatment system serving the property conforms with the provisions of this Ordinance.

#### Subdivision 6. Floor Elevation Regulations

The elevation of the lowest floor of all dwellings shall be at least three (3) feet above the highest known water level.

#### Subdivision 7. Construction Standards

1. Any structure used as a dwelling which is constructed, erected, or placed; on a building site or lot which contains less than a quarter-quarter section in area shall have a width equal to or greater twenty-two (22) feet in width and shall be placed on frost footings and have the required tie downs per the Minnesota State Building Code, or as amended.
2. Any manufactured home having a width equal to or greater than twenty-two (22) feet shall be installed according to manufactures specifications including the use of frost footings and be secured by a stabilizing system that conforms to the Minnesota State Building Code.

## SECTION 18. Conditional Use Permits

### Subdivision 1. Applications

1. The applicant must be full owner of the property for which the conditional use permit is applied for. If the applicant is not full owner of the property, the property owner or co-owner shall also be a co-applicant for the conditional use permit.
2. Conditional Use Permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provision of this Ordinance. Such Conditional Uses must be consistent with the policies of Isanti County.
3. Application: An application for a Conditional Use permit shall be filed with the Zoning Administrator on forms prescribed by the Zoning Administrator. The application shall be accompanied by such plans and elevations and site plans as prescribed by the County Planning Commission.

### Subdivision 2. Notification and Public Hearing

Upon receipt in proper form of the application and other requested materials, the County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Commission. At least ten (10) days in advance of each hearing, notice of the time and place of such hearings shall be published in the official newspaper of the County. All property owners within one-quarter mile or the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners, shall be notified by U. S. mail as to the time and place of the public hearing. All municipalities and board of town supervisors within two (2) miles of the proposed conditional use shall be given proper notice.

### Subdivision 3. Report to the County Board

For each application for a conditional use, the County Planning Commission shall report to the Board of County Commissioners its findings 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 County Commissioners shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant or deny a Conditional Use Permit.

### Subdivision 4. Findings

No conditional use shall be recommended 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 purpose 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 odors, 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.

#### Subdivision 5. Fees

To defray administrative costs of processing requests for Conditional Use Permits, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

#### Subdivision 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.

The continuing use of a Conditional Use Permit shall be contingent upon compliance with the stated conditions of the permit by the holder. If the holder of the permit does not comply with such conditions, the County Board, after giving the holder a hearing following five days notice and a finding that the conditions of the permit have not been complied with, may revoke the permit.

#### Subdivision 7. Documentation Required for Conditional Use Permits in the Shoreland and/or the Scenic Rum River District

1. 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 (10) 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, if required, with mandatory membership and all in accordance with the requirements of Section 11, Subdivision 11 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 PUDs; and (2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 11, Subdivision 11 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 Isanti County Planning Commission or the County Board that are necessary to explain how the PUD will be designed and will function.

Subdivision 8. Evaluation Criteria and Conditions to be Attached for Conditional Use in Shoreland Areas and/or the Scenic Rum River District

1. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - b. the visibility of structures and other facilities as viewed from public water is limited;
  - c. the site is adequate for water supply and on-site sewage treatment; and
  - d. 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.
  
2. Conditions that may be attached to the issuance of a permit, as deemed necessary by the Isanti County Planning Commission or County Board to fulfill the purposes of this Ordinance, includes, but are not limited to:
  - a. increased setbacks from the ordinary high water level;
  - b. limitations on the natural vegetation to be removed or a requirement that additional vegetation be planted; and
  - c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

## SECTION 19. Interim Use Permit

### Subdivision 1. Purpose

To allow a use, that is neither a permitted use nor a conditional use, for a limited period of time subject to conditions set forth in this Ordinance.

### Subdivision 2. Application, Public Hearing Notice and Procedure

The application, public hearing, public notice and procedure requirements for Interim Use Permits shall be the same as those for Conditional Use Permits as provided in Section 18.

### Subdivision 3. Standards

The County Planning Commission shall recommend an Interim Use Permit and the Board of County Commissioners shall issue such Interim Use Permits only if it finds that such use at the proposed location:

1. Meets the standards of a Conditional Use Permit set forth in Section 18 of this Zoning Ordinance.
2. Will terminate upon a date or an event that can be identified with certainty.
3. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
4. Will be subjected to, by agreement with the owner, any conditions that the County has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the Interim Use and any Interim structures upon the expiration of the Interim Use Permit.
5. Will be subject to review by the Planning Commission upon change of ownership.

### Subdivision 4. Termination

An Interim Use Permit shall terminate upon the occurrence of any of the following events; whichever occurs first:

1. The date or event stated in the permit, or
2. A violation of conditions under which the permit was issued, or
3. The use has been discontinued for a minimum of one (1) year.

## SECTION 20. Variances

### Subdivision 1. Applications

1. The applicant must be full owner of the property for which the variance is applied for. If the applicant is not full owner of the property, the property owner or co-owner shall also be a co-applicant for the variance.
2. An application for a variance shall be filed with the Zoning Administrator on forms prescribed by the Zoning Administrator. The application shall be accompanied by such plans, elevations, and site plans as prescribed by the Zoning Administrator and/or the County Board of Adjustment.
3. Variances shall only be permitted under the following conditions:
  - a. When the variance is in harmony with the general purpose and intent of the official control.
  - b. In cases when there are practical difficulties in carrying out the strict letter of any official control.
  - c. When the terms of the variance are consistent with the policies of Isanti County.
  - d. Practical difficulties in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

### Subdivision 2. Procedure, Notification and Public Hearing

1. Application for any appeal permissible under the provisions of this Section shall be made to the Board of Adjustment on forms provided by the Zoning Administrator. Upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper. In addition, written notice shall be sent to all property owners of record within 500 feet of the affected property or to the ten (10) properties nearest to the affected property, whichever method provides the greatest number of owners. Written notice shall also be given to the affected Board of Supervisors and the Municipal Council of any incorporated area within two (2) miles of the affected property.
2. The Board of Adjustment shall thereupon make its decision upon the application within fifteen (15) days of the public hearing. In recommending any adjustment or variance under the provisions of this Section, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulations or provisions to which the adjustment or variance is granted.

### Subdivision 3. Findings

The Board of Adjustment shall not grant a variance to an appeal unless it finds the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

## SECTION 21. Amendment

### Subdivision 1. Application

1. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section.
2. Proceedings for amendment of this Ordinance shall be initiated by:
  - a. A petition of the owner or owners of the actual property;
  - b. A recommendation of the County Planning Commission;
  - c. Or by action of the Board of County Commissioners.
3. An application for an amendment shall be filed with the Zoning Administrator. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within three hundred (300) feet 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 Isanti County.
4. Notice shall be posted on the road frontage of the property for which an amendment application has been filed for change in district boundary and all property owners within one-half (1/2) mile of the boundaries of the area proposed to be rezoned shall be notified as to the time and place of the public hearing. All municipalities and board(s) of supervisors within two (2) miles of the boundaries of the property proposed to be rezoned shall be given proper notice.

### Subdivision 2. Public Hearing

Upon receipt in proper form of the application and other requested material, the Isanti 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 paper of the County.

### Subdivision 3. Authorization

1. Following the public hearing, the County Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator within sixty (60) days after the hearing. If no report or recommendation is transmitted by the County Planning Commission within sixty (60) days after the hearing, the Board of County Commissioners may take action without awaiting the recommendation.
2. Upon the filing of such report or recommendation, the Board of County Commissioners may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of County Commissioners may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if majority of all the members of the Board concur in its passage.

Subdivision 4. 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 fee shall be determined by resolution of the Board of County Commissioners, from time to time adopted and amended.

## SECTION 22. Non-Conforming Uses

### Subdivision 1. Purpose

All legally established non-conformities 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.

### Subdivision 2. Non-Conforming Buildings and Uses

1. This paragraph applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
2. The lawful use of buildings or land prior to February 10, 1982, which does not conform to the provisions of this Ordinance shall be discontinued within a reasonable period of amortization of the buildings; uses of buildings and land which become non-conforming by reason of change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin after the date of adoption of this ordinance and shall be considered to be forty (40) years for buildings of ordinary wood construction, fifty (50) years for buildings of wood and masonry construction, and sixty (60) years for buildings of fire proof construction.
3. No dwelling existing on the effective date of this ordinance shall be deemed a non-conforming use by reason of its location on a lot which does not meet the requirements of this Ordinance with respect to lot size, dimensions, or setbacks.
4. Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of Paragraph 1 of this Subdivision.
5. Any parcel that is rendered non-conforming as a result of a taking for a public purpose shall be treated as a conforming parcel under this ordinance provided that it continues to contain at least sixty (60) percent of the required land area, width and buildable area.

### Subdivision 3. Non-Conforming Signs

1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within one (1) year following the adoption of this Ordinance.
2. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotation or moving signs shall be permitted.
3. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

### Subdivision 4. Non-Conforming Automobile Salvage or Storage Yards

No automobile salvage or storage yard(s) may continue as a non-conforming use one (1) year following the adoption of this ordinance, except that an automobile salvage or storage yard may continue as a non-conforming use in a Business District or Industrial District, if within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the yard. Plans of such a building or device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.

### Subdivision 5. Non-Conforming Sewage Treatment Systems

1. A “non-conforming sewage treatment system” means those septic systems or privies that do not provide for adequate treatment of sewage or meet specific requirements. They include:
  - a. Cesspools.
  - b. Leaching pits.
  - c. drywells.
  - d. Seepage pits.
  - e. Systems with less than three feet of unsaturated soil or sand between the bottom of the drainfield or mound rock bed and the limiting soil characteristic, which includes a seasonal high water table as evidenced by the presence of ground water, mottled soil, or bedrock.
  - f. Systems discharging sewage to:
    - i. the surface (including tile lines),
    - ii. active or unused wells,
    - iii. bodies of surface waters, or
    - iv. any rock or soil formations that are not conducive to purification of water by filtration;
  - g. Systems that do not meet well setback requirements.
  - h. Systems where any part of the system is under a building.
  - i. Privies with less than three feet of separation from the bottom of an open pit to the limiting soil characteristics described in “e” above.
  - j. Privies with sealed containers that do not meet the capacity and construction requirements of Minnesota Chapter 7080, Subp. 4 B (2) (b), or as amended.
  - k. Septic systems where the septic tank does not meet the minimum setback of 10' from an occupied dwelling with a basement.
  - l. Lack of a septic system if running water is available to the property.

2. A sewage treatment system not meeting the requirements of the Minnesota Regulations, Chapter 7080, or as amended, or the requirements of this Ordinance, whichever is most restrictive, 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 non-conforming if the only deficiency is the sewage treatment systems improper setback from the ordinary high water level.
3. The governing body of Isanti County has by formal resolution notified the Commissioner of its program to identify non-conforming sewage treatment systems. On all lakes and streams, the County or a licensed MPCA Designer  $\pm$  will inspect all septic systems at the point of sale and when a property owner applies for a building permit in accordance with Section 14, Subdivision 3, #6. Isanti County will require upgrading or replacement of any non-conforming system identified by this program within a reasonable period of time which will not exceed 10 months. Isanti County will target shoreland areas when and if additional funds are made available for such a program. 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 as per the Minnesota Pollution Control Agencies Chapter 7080 for design of on-site sewage treatment systems and then shall be considered non-conforming.

#### Subdivision 6. Discontinuance

1. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.

#### Subdivision 7. Alterations

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restrictive classification. The foregoing provisions shall also apply to non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed into a less restricted use.

#### Subdivision 8. Residential Alterations

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

#### Subdivision 9. Restoration

1. No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its value shall be restored except in conformity with the regulations of this Ordinance. Single family dwellings which are non-conforming by reason of

height, yard, or area requirements shall be exempt from the provisions of this Subdivision and may be restored to their original condition; except that any building located in the Flood Plain (FP) District which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its value shall be restored in conformity with the regulations of this Ordinance.

2. Any building that has been damaged to the extent of more than fifty (50) percent of its value or has been deemed to be unsafe, based upon the adopted Minnesota State Building Code, must be removed within six (6) months of sustaining the damage or from the date of official notification.

#### Subdivision 10. Normal Maintenance

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the County Zoning Administrator.

#### Subdivision 11. Exceptions

1. Construction on Non-conforming Lots of Record in the (RS) Rural Service Center District, B – Business District, (I) Industry District, (S) Shoreland District and (SR) Rum River Scenic District.
  - a. Lots of record in the County Recorder’s Office which are substandard in size or dimension requirements may be allowed as building sites, provided: such use is permitted in the zoning district; the lot (if created before February 10, 1982) has been in separate ownership from abutting lands at all times since it became substandard; sewage treatment, flood plain management regulations, and setback requirements of this ordinance are met; except in the shoreland district lots may be allowed if they conform to subdivision 10 (b).
2. Construction on Non-Conforming Lots of Record in the (A/R) Agriculture/Residential District.
  - a. Lots of record in the County Recorder’s Office which are substandard in size or dimension requirements may be allowed as building sites, provided: such use is permitted in the zoning district; the lot was created before February 10, 1982; the building lot area is greater than seventy-five percent (75%) of the minimum lot area required and sewage treatment, flood plain management regulations, and setback requirements of this Ordinance are met.

## SECTION 23. Violations, Penalties and Enforcement

### Subdivision 1. Violations and Penalties

1. Violation and penalties. It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the County, or cause the same to be done, contrary to or in violation of any provisions of this Ordinance or the codes adopted by reference in this Ordinance. Any person, firm or corporation violating this Ordinance shall be deemed guilty of a misdemeanor and each day that a violation continues shall constitute a separate offense and shall be punishable according to State law.
2. Injunctive Relief and other Remedies. In the event of a violation of this Ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the County in a civil action in any court of competent jurisdiction or, at the discretion of the County, the costs may be certified to the Assessor's Office as a special tax against the real property. These and other remedies, as determined appropriate by the County, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

### Subdivision 2. Enforcement

1. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
2. 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.
3. 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 24. Validity

Subdivision 1. 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 25. Date of Effect

Subdivision 1. Date of Effect

Effective date of this ordinance March 1<sup>st</sup>, 1996; amended this 21<sup>st</sup> day of September, 2011:

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

Amended this 21<sup>st</sup> day of September, 2011.

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Chairperson, Isanti County Board of Commissioners

Attest: \_\_\_\_\_  
Isanti County Administrator

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Chairperson, Isanti County Planning Commission