

# CARLTON COUNTY

# ZONING ORDINANCE

# #27



**Adopted: March 1, 2005**

**Amended January 5, 2006 (Amendment A)**  
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# Carlton County Ordinance No. 27

## Zoning Ordinance

### **ARTICLE 1. TITLE, AUTHORITY, PURPOSE, AND SCOPE**

#### ***Section 1. Title***

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

#### ***Section 2. Authority and Jurisdiction***

This Ordinance is enacted to establish land use regulations for the unincorporated areas of Carlton County pursuant to Minnesota Statutes, Chapter 394.21 – 394.37, as may be amended from time to time, that authorizes certain counties to carry on planning and zoning activities. This Ordinance does not apply to lands owned or leased by the federal or state government in accordance with Minnesota Statutes, Chapter 394.24, and Subd. 3.

In addition, the requirements and administration of the Shoreland Management Program as authorized in Minnesota Statutes 103F.101, Minnesota Regulations, Parts 6120.2500 – 6120.3900, shall also apply to Thomson Township, Carlton County.

#### ***Section 3. Purpose***

This Ordinance is enacted to promote the public health, safety, morals and general welfare throughout Carlton County through the following:

**Subd. A.** Promoting orderly and compatible development of the residential, commercial, industrial, recreational and public areas within the County in a manner consistent with the Carlton County Community-Based Comprehensive Plan.

**Subd. B.** Lessening congestion in the public rights-of-way.

**Subd. C.** Providing adequate light, air and convenience of access to property.

**Subd. D.** Facilitating the provision of adequate water, sewage disposal and other public requirements to property;

**Subd. E.** Protecting the population and property from fire, and other items pertaining to public safety.

**Subd. F.** Maintaining to a reasonable extent, property values through encouraging the most appropriate use of land;

**Subd. G.** Protecting water resources and water quality in accordance with the provisions of this Ordinance and the Carlton County Local Water Management. Plan.

**Subd. H.** Protecting and enhancing significant natural resources in the County in a manner consistent with state and federal laws and regulations;

**Subd. I.** Allowing for the implementation of the Carlton County Community-Based Comprehensive Plan, adopted August 2001, the Carlton County Local Water Management Plan, and the St. Louis River Management Plan, adopted February 1994, as hereafter amended.

## **Section 4. Scope and Application**

### **Subd. A. Scope.**

1. From and after the effective date of this Ordinance, the use of all land and all structures erected, altered, enlarged or relocated and every use accessory thereto shall be in conformity with the provisions of this Ordinance. Any existing use, structure, or development which was legally established but is not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and may continue in existence under conditions as provided for under Article 3, Section 8, of this Ordinance.
2. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

### **Subd. B. Application.**

1. The provisions of this Ordinance shall be the minimum requirements for the promotion of the public health, safety and welfare. Where the conditions imposed by any provision of this Ordinance differ from those required by any ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose the higher standard shall prevail.
2. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose or in any manner that is not in conformity with this Ordinance.
3. Property owners or tenants and their agents and contractors are responsible to secure applicable land use approvals and permits required in this Ordinance and to use the land and conduct activities in a manner consistent with this Ordinance.

## **Section 5. Severability and Repeal of Conflicting Ordinances**

**Subd. A.** The provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, the judgment shall not affect any other provisions of this Ordinance that was not specifically included in the judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property building, or structure, the judgment shall not affect other property, buildings or structures.

**Subd. B. Repeal of Conflicting Ordinances.**

1. Carlton County Ordinance No. 6: Zoning Ordinance (adopted July 25, 1978), existing at the time of adoption of this Ordinance, and all subsequent amendments to Carlton County Ordinance No. 6 are hereby repealed.
2. Carlton County Ordinance No. 12: Environmental Review Ordinance (adopted December 12, 1986), existing at the time of adoption of this Ordinance, and all subsequent amendments to Carlton County Ordinance No. 12 are hereby repealed.
3. Carlton County Ordinance No. 15: Floodplain Management Ordinance "Special Conversion" (adopted November 9, 1988), existing at the time of adoption of this Ordinance, and all subsequent amendments to Carlton County Ordinance No. 15 are hereby repealed.
4. Carlton County Ordinance No. 19: Shoreland Management Ordinance (adopted October 28, 1991), existing at the time of adoption of this Ordinance, and all subsequent amendments to Carlton County Ordinance No. 19 are hereby repealed.
5. Carlton County Ordinance No. 21: Wetland Conservation Ordinance (adopted November 22, 1993), existing at the time of adoption of this Ordinance, and all subsequent amendments to Carlton County Ordinance No. 21 are hereby repealed.

## ARTICLE 2. RULES AND DEFINITIONS

### **Section 1. Interpretations and Rules**

#### **Subd. A. Interpretations.**

Words or terms defined in this Ordinance shall have the meanings assigned to them unless such meaning is clearly contrary to the intent of this Ordinance.

#### **Subd. B. Rules.**

1. The singular number shall include the plural.
2. The present tense shall include the past and future tenses.
3. The word "shall" is mandatory and "may" is permissive.
4. All distances, unless otherwise specified, shall be measured horizontally.

### **Section 2. Definitions**

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

1. **Accessory use or structure.** Any use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. **After-the-fact actions.** Any instance where activities have occurred without permits or authority and a remedy or correction is required, including issuance of permits after the action has occurred along with any associated penalties.
3. **Agriculture.** The use of land for the production and sale of livestock, dairy animals or dairy products, poultry or poultry products, fur-bearing (excluding exotic and wild) animals, horticultural or nursery stock, sod farming, fruit, vegetables, forage, grains, wild crops used for decorative materials, or bees and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use, and roadside stands for sale in season providing space for parked vehicles off the public right-of-way shall be deemed to be in agricultural use.
4. **Agriculture-related business.** Any business which is related to agricultural endeavors, dependent upon agricultural products or activities, and supportive of agricultural activities.
5. **Animal feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals.
6. **Antenna.** Any structure or device used for collecting or radiating electromagnetic waves including but not limited to directional antennae such as panels, microwave dishes, satellite dishes, and omni-directional antennae such as whip antennae.
7. **Aquifer recharge areas.** All land surface areas which by nature of their surface and

or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.

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

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

10. **Basement.** Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on one or more sides, regardless of the depth of excavation below ground level.

11. **Bed and breakfast home.** An establishment in a private dwelling that supplies temporary accommodations to overnight guests.

12. **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50' or more shall not be considered part of the bluff):

- a. Part or all of the feature is located in a shoreland area; The slope rises at least 25' above the ordinary high water level of the water body;
- b. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- c. The slope must drain toward the water body.

13. **Bluff impact zone.** A bluff and land located within 20' from the top of a bluff.

14. **Bluff impact zone, red clay area.** Part of the St. Louis and Nemadji River basins, the bluff and land located within 30' of the top of the bluff or from the toe of the bluff to a point 7' back horizontally for every 2' of vertical gain (average slope of 7:1, 14%), whichever is more restrictive.

15. **Bluff, red clay area.** Part of the St. Louis and Nemadji River basins, the slope rises at least 10' above the ordinary high water level of the water body and the grade of the slope from the toe of the bluff to a point 10' or more above the ordinary high water level averages 14% or greater.

16. **Board.** Carlton County Board of Commissioners

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

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

19. **Buildable area**. An area of land excluding surface waters, wetlands, floodplains, or slopes in excess of 12%.
20. **Building**. Any structure used or intended for supporting or sheltering any use or occupancy.
21. **Building height**. The vertical distance from the average of the lowest and highest point of that portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge of gable, hip and gambrel roofs.
22. **Building line**. A line running parallel with the bluff line, ordinary high water mark or lot line, whichever is applicable, at the required setback beyond which a structure may not extend.
23. **Building setback**. The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
24. **Business**. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
25. **Campground**. An area accessible by vehicle and containing campsites or camping spurs for tent, trailer, and recreational vehicle camping.
26. **Channel**. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.
27. **Church**. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
28. **Clearcutting**. The removal of a stand of trees.
29. **Club or lodge**. A non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.
30. **Cluster development**. A grouping of residential dwellings, commercial/industrial units or other uses within a specified area of the appropriate zoning district that maintains the same overall allowable density in that same district.
31. **Commercial planned unit developments**. 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 primarily service-oriented activities are commercial planned unit developments.
32. **Commercial recreation**. The use of the land for which fees are charged for admission or use of the facility, or use of the land to gain access to a recreational activity or resource, public or private.

- 32A. **Commercial speech.** Speech advertising a business, profession, commodity, service, or entertainment.
33. **Commercial use.** The principal use of land or buildings for sale, lease, rental, or trade of products, goods, and services.
34. **Commercial wind energy conversion system (WECS).** A WECS or combination of WECS's that is designated to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 kW or more.
35. **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.
36. **Commissioner.** The Commissioner of the Department of Natural Resources.
37. **Comprehensive plan.** A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the County which has been adopted by the Carlton County Board.
38. **Conditional use.** A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
39. **Day care facility.** A licensed day care facility serving 12 or fewer persons, or a group family licensed day care facility serving 14 or fewer children.
40. **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a dwelling unit and extending more than one foot above ground.
41. **Deposition.** Any rock, soil, gravel, sand or other material deposited naturally or by man into a water body, watercourse, floodplains, or wetlands.
42. **District.** A section or sections of the County for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
43. **Diversion.** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.
44. **Duplex, triplex, quad.** 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.
45. **Dwelling.** A building or portion of a building, designated exclusively for residential

occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding houses, motor homes, recreational vehicles, or other temporary dwellings.

46. **Dwelling, single family.** A dwelling unit designed for occupancy of one family.

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

48. **Dwelling, temporary.** Motor homes, recreational vehicles, tents, and other devices intended for seasonal or short-term living quarters at recreational campgrounds, parks, and other authorized facilities.

49. **Dwelling, multiple family.** A dwelling designed exclusively for occupancy by two or more families living independently of each other.

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

51. **Earthtone color.** Those colors which blend in with the colors of the surrounding environment. Such colors include subdued shades of grays, browns, yellows, reds, tans and greens.

51A. **Electronic changeable copy sign.** A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

51B. **Electronic graphic display sign.** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

51C. **Electronic messaging sign.** An electronic changeable copy sign, an electronic graphic display sign, or video display sign.

52. **Equal degree of encroachment.** A method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

53. **Essential services.** Underground or overhead gas, electrical, steam or water distribution systems collection, communication, supply or disposal system, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories; but not including buildings or transmission services.
54. **Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial materials, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
55. **Family.** An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.
56. **Farm.** A tract of land which is principally used for agriculture, and which is owned and operated by a single family, farm corporation, individual or corporation.
57. **FEMA.** The Federal Emergency Management Agency.
- 57A. **Flashing sign.** A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.
58. **Flood.** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
59. **Flood frequency.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
60. **Flood fringe.** That portion of the floodplain outside of the floodway.
61. **Floodplain.** The areas adjoining a watercourse that has been or hereafter may be covered by the regional flood. Floodplain areas within Carlton County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.
62. **Floodway.** The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.
63. **Floor area.** The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls. The floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.
64. **Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

65. **Garage, private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the residents.
66. **Garage, public.** A building or portion of a building, except as defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal traffic.
67. **Governmental bodies.** A political unit that has authoritative and regulatory powers.
68. **Grade (adjacent ground elevation).** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.
69. **Guest cottage.** A structure used as a dwelling unit that may contain sleeping spaces or kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
70. **Guest room.** A room occupied by one or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
71. **Harbor.** A portion of a body of water along or landward of the natural shoreline deep enough for recreational watercraft navigation, and so situated with respect to shoreline features as to provide protection from winds, waves, ice and currents. Natural harbors consist of bays and estuaries, while artificial harbors are constructed by dredging.
72. **Hardship.** As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls of this Ordinance, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.
73. **Height of building.** See definition for building height.
74. **Home-based business.** An authorized business which is operated by a resident on the same property as the residence, according to the provisions of this Ordinance.
75. **Home occupation.** An occupation or profession which may be conducted within a residence provided the use is clearly incidental and secondary to the principal use as a residence and provided the use does not change the residential character of the property. No home occupation shall exceed more than one-third (1/3) of the total floor area of the dwelling, require special access or parking, create any nuisance, or involve more than one (1) employee not residing the principal residence.
76. **Hotel.** A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests

or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

76A. **Illuminated sign**. Any sign which contains an element designed to emanate artificial light internally or externally.

77. **Impervious surface**. An artificial or natural surface through which water, air, or roots cannot penetrate, including structures, concrete, bituminous, and gravel surfaces.

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

79. **Intensive vegetation removal**. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

79A. **Interim Use**. Interim Use is a temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it.

80. **ISTS**. Individual sewage treatment system.

81. **Junk yard**. Land or buildings where waste, discarded, or salvaged materials are brought, purchased, sold, exchanged, stored, disassembled, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

82. **Kenel, commercial**. Any place where three or more dogs or three or more cats, over the age of four months of age are kept, bred, boarded or trained for compensation.

83. **Kenel, residential**. Any place where three or more dogs or three or more cats, over the age of four months of age are kept for and by the resident.

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

85. **Lot**. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by its description for the purpose of sale, lease, or separation.

86. **Lot area**. The total area within the lot lines of a lot, parcel, or tract of land.

87. **Lot, corner**. A lot abutting upon two intersecting streets. The greater frontage of a corner lot shall be the lot depth and the lesser frontage is the lot width.

88. **Lot, depth**. The mean horizontal distance between the front lot line and rear lot line.

89. **Lot, double frontage**. A lot having frontage on two non-intersecting streets.

90. **Lot, frontage.** The portion or side of a lot that abuts public right of way.
91. **Lot, interior.** Including double frontage lots, excluding corner lots.
92. **Lot, line.** A property boundary line of any lot, except any portion of the lot that extends into the abutting street or alley.
93. **Lot of record.** A parcel of land whose legal description was established in the Carlton County property records by plat, subdivision, or as otherwise permitted by law prior to March 29, 1968.
94. **Lot, width.** The distance between lot lines measured at the midpoint of the building line.
95. **Manufactured home.** A structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more sq. ft., and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. Manufactured home 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 of Minnesota Statutes, Chapter 327.
96. **Manufactured home park.** Any site, lot, field, or tract of land upon which three or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park. Up to four manufactured homes used to house seasonal agricultural employees in agricultural zoned districts are excluded from this definition, provided there is at least 80 square feet of indoor living space per person, the homes are installed in compliance with the State Building code, the homes are equipped with indoor plumbing that meets state rules, and a plan is developed for shelter in case of severe weather.
97. **Manufacturing, light.** All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which use is located, and does not normally require an urban level of public services such as centralized sewer and water.
98. **Mining operation.** The removal of stone, sand and gravel, soil, coal, salt, iron, copper, nickel, granite, petroleum products or other material from the land for commercial, industrial, or governmental purposes.
99. **MnDH.** Minnesota Department of Health.
100. **MnDNR.** Minnesota Department of Natural Resources.
101. **MnPCA.** Minnesota Pollution Control Agency.

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

103. **Natural obstruction**. Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a non-human cause.

103A. **Non-commercial speech**. Dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

104. **Non-commercial wind energy conversion system (WECS)**. A WECS or combination of WECS's that is designed to have a capacity that is generally comparable to residential and agricultural uses and has a combined nameplate capacity of less than 125 kW.

105. **Nonconforming use**. A structure or use of land which does not conform to the regulations of the district or zone in which it is situated.

106. **Nonconformity**. Any legal use, structure, or parcel of land already in existence, recorded, or authorized before adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized.

107. **Obstruction**. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard, or change the direction of the flow, either in itself or by catching or collecting debris carried by floodwater.

108. **Off-street loading space**. A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

109. **Open sales lot**. Any open land used or occupied for buying, selling and/or renting merchandise and for the storing of same prior to sale.

110. **Ordinary high water level**. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

111. **Parking space**. An area sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of

an automobile.

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

113. **Permitted use**. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

114. **Planned unit development**. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

115. **Planning commission**. The planning agency of the County, designated by the County Board.

116. **Plat**. The drawing or map of a subdivision prepared for filing of record pursuant to Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Section 462.358 and Chapter 505.

117. **Principal use or structure**. The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

118. **Public facility**. Water supply buildings, reservoirs, wells, elevated tanks, public sewerage treatment facilities, dumping grounds, and similar essential service structures.

119. **Public hearing**. An official public meeting for which notice has been published in the official newspaper.

120. **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 public utility uses and are defined separately.

121. **Public waters**. Any waters as defined in Minnesota Statutes, Section 103G.0055, Subdivisions 15 and 15a. However, no lake, pond, or flowage of less than 25 acres in size need be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of these regulations. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of the Minnesota Department of Natural Resources.

122. **Reach**. A hydraulic engineering term to describe a longitudinal segment of a stream

or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings, would most typically constitute a reach.

123. **Recreational campground**. Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation, but excluding:

- a. Children's camps;
- b. Industrial camps;
- c. Migrant labor camps; as defined in Minnesota Statutes and State Commissioner of Health rules;
- d. United States Forest Service camps;
- e. State Forest Service camps;
- f. State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and
- g. Temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.

124. **Recreational vehicle**. A vehicular portable structure used for amusement, vacation, or recreational activities including but not limited to travel trailers, motor homes, and camping trailers.

125. **Red clay area bluff**. See definition for "bluff, red clay area."

126. **Red clay area bluff impact zone**. See definition for "bluff impact zone, red clay area."

127. **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 Rate Map.

128. **Regulatory flood protection elevation**. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

129. **Residential planned unit development**. A use where the nature of residency is nontransient 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 dwelling units or sites.

130. **Resort**. A commercial development under unified ownership that provides facilities for

relaxation and recreation typically consisting of lodges or rooms for rent, restaurants and facilities for entertainment and recreation, and associated limited retail facilities providing services for guests.

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

132. **Screening.** The presence of vegetation or topography which renders a structure on any property visually inconspicuous.

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

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

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

136. **Setback.** The minimum horizontal distance between a structure or sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

137. **Sewage treatment system.** A septic tank and soil absorption system or other individual or cluster type sewage system as described and regulated in Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance.

138. **Sewer system.** Pipelines or conduits, pumping stations, 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.

138A. **Shimmering sign.** A sign which reflects an oscillating sometimes distorted visual image.

139. **Shopping or retail center.** A building where two or more commercial uses are grouped together according to a general development plan,

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

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

142. **Shoreland, St. Louis River – recreational**. Lands lying within ¼ mile (1,320') on each side of the St. Louis River in Carlton County used moderately or heavily for public and private recreational purposes.

143. **Shoreland, St. Louis River – remote**. Lands lying within ¼ mile (1,320') on each side of the St. Louis River in Carlton County used in relatively low intensity along the shoreline, resembling a mostly natural state.

144. **Sign**. Any device, including any letters, words, numerals, figures, or symbols, displayed for communicative or informational purposes and visible to members of the public who are not on the premises on which the device is located, including any structure erected primarily for use in connection with the display on such device and all lighting or other attachments used in connection.

145. **Sign, directional**. Any sign erected and maintained by a government entity for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility, and any sign erected and maintained by the county, at the expense of the entity requesting the sign, to identify or provide direction to a business or entity.

145A. **Sign face**. The surface of the sign upon, against, or through which the message of the sign is displayed.

146. **Sign, off-site**. A sign used for the purpose of communicating about a product, event, place, person, or subject not related to or located on the premises or property on which the sign is located.

147. **Sign, on-site**. A sign relating to the use of the premises and/or property on which it is located.

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

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

150. **Strip development.** Multiple, detached commercial or retail uses, usually one-story high and one story deep, that front on a major street.

151. **Structure.** Anything placed, constructed, or erected with a fixed location on the ground. Among other things, structures include buildings, portable buildings, manufactured homes, recreation vehicles, walls, fences, signs, billboards, and poster panels, playing courts (tennis, handball, etc.), swimming pools, patios, and barbecue pits; except that walls, fences, billboards, and poster panels shall not be considered structures for the purpose of lot width, lot area, front and rear yard setbacks.

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

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

154. **Telecommunication services, commercial wireless.** 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.

155. **Toe of the bluff.** 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 toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

156. **Top of the bluff.** 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 the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

157. **Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof, taller than 15' feet, including supporting lines, cables, wires, braces, and mast, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade (except amateur radio antennae).

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

service.

159. **Use.** The purpose or activity for which the land or building thereon is designated, arranged, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreation purpose. Roofs, driveways, and parking areas shall not constitute useable open space.

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

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

161A. **Video display sign.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

162. **Water body.** A body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

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

164. **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. These structures shall only include detached decks, gazebos, screen houses and boathouses.

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

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

167. **Wetland**. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

168. **Wind energy conversion system (WECS)**. Any device, such as a windmill, wind charger, or wind turbine, and associated facilities that convert wind energy to electrical energy.

169. **Yard**. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

170. **Yard, front**. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

171. **Yard, rear**. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

172. **Yard, side**. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

173. **Zoning administrator**. A person appointed by the County Board to administer and enforce the Carlton County Zoning Ordinance.

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

## **ARTICLE 3. ADMINISTRATION AND ENFORCEMENT**

### ***Section 1. Zoning Permit and Certificates***

**Subd. A. Zoning permit required.** No person shall erect, move any building or any part of a building, or change the exterior shape of the structure without first obtaining a zoning permit from Carlton County.

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

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

2. **Permit Issuance.** The Zoning Administrator shall issue the zoning permit only after determining that the building plans, together with the application, comply with the requirements of this Ordinance and the required fee has been paid as established in this Ordinance.

**Subd. B. Shoreland permit required.** In addition to the requirements in Subd. A, above, a zoning permit is required for certain grading, filling, ISTS installation and alteration, vegetative removal, and other site alterations within the various Shoreland Overlay Districts. An application for a permit shall be made to the Zoning Administrator on forms provided by the County. The application shall include sufficient information as determined by the Zoning Administrator to adequately demonstrate that the proposed activities will be in compliance with this Ordinance.

**Subd. C. Certificate of zoning compliance.** A certificate of zoning compliance shall be obtained before any non-agricultural building erected or structurally altered is occupied or used, or the use of any such building is altered.

1. **Application and issuance.** An application for a certificate of zoning compliance for a new building or for existing building which has been altered shall be made to the Zoning Administrator as part of the application for a zoning permit as required in Subd. A above.

- a. The applicant shall notify the Zoning Administrator that the building is ready for inspection following completion of construction and before occupancy of the structure, to determine compliance with applicable zoning requirements.
- b. When all requirements of this Ordinance and any other County ordinance has been met, the Zoning Administrator shall issue the certificate of zoning compliance within ten days of the inspection.

2. **Filing.** The certificate of zoning compliance shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance. A record of the certificate of zoning compliance shall be kept on file in the Zoning Administrator's office.

**Subd. D. Sign permits.** A permit shall be required where an on-site sign or off-site sign is erected, altered or relocated in compliance with Article 5, Section 16, of this Ordinance.

**Subd. E. Special permits.**

1. Water and sewage disposal system. A permit is required to install, alter, or extend any individual water or sewage disposal system. Specific requirements, exceptions and application procedures, are established in Article 5, Section 9, of this Ordinance.
2. Extraction of sand, soil or other materials. Specific permit requirements, exceptions and application procedures for mineral extraction are established in Article 5, Section 13, of this Ordinance.
3. Solid waste management operations. Specific permit requirements, exceptions, and application procedures are established in the Carlton County Solid Waste Ordinance.

**Section 2. Zoning Administrator**

**Subd. A. Creation of office.** The office of the Zoning Administrator is established by this Subdivision and the Carlton County Board may appoint the Zoning Administrator. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the County Board.

**Subd. B. Duties.**

1. Enforce and administer this Ordinance;
2. Issue permits as required by this Ordinance and maintain accurate records of all permits and zoning administration.
3. Receive and forward to the Carlton County Board and the County Planning Commission all applications for conditional or interim use permits and amendments to this Ordinance.
4. Receive and forward all applications and petitions for matters to come before the Board of Adjustment. Variance applications, pending legal action on an alleged violation of which the Zoning Administrator has filed a complaint with the County Attorney, shall not be processed.
5. Inspect all construction and development to insure that the standards of this Ordinance are being complied with.
6. Provide and maintain a public information bureau relative to matters arising out of this Ordinance.
7. Maintain the County Zoning Map as required in Article 4, Section 1 of this Ordinance.
8. Notify the Commissioner or designee of public hearings to consider variances, amendments, conditional or interim uses within the shoreland district in accordance with the requirements of Article 4, Section 5, Subd. H or within the floodplain district in accordance with the requirements of Article 4, Section 5, Subd. G.
9. File certified copies of all orders, when such is required by this Ordinance, with the register of deeds or titles.
10. Be responsible for the administration of environmental review and the rules adopted by reference by this Ordinance including determining whether an action for which a permit is required is an action for which an optional or mandatory EAW or a mandatory EIS is required. The Zoning Administrator shall notify the Planning Commission and the County Board of these proposed actions as early as practical.

**Subd. C. Enforcement.**

1. The Zoning Administrator shall enforce this Ordinance and shall advise the Carlton County Board and the County Planning Commission in cases of serious noncompliance with any of the provisions of this Ordinance.
2. When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not be resumed until the reason for the work stoppage has been completely removed.
3. It shall be the duty of the Carlton County Attorney and the Carlton County Sheriff, when called upon by the County Board, to perform duties necessary to enforce this Ordinance.
4. As indicated in Minnesota Statutes Chapter 394.37 in all matters relating to enforcement of this Ordinance, the County may enter the premises at reasonable times in a reasonable manner. The County shall make a reasonable effort to contact the owner or occupant prior to entering the property.
5. Complaints regarding alleged violations of this Ordinance shall be made in writing and signed by the complainant.

**Section 3. Planning Commission** (Amendment 27-C)**Subd. A. Creation and membership.**

1. Creation. A Planning Commission consisting of seven voting members is created for the purposes of implementation and enforcement of land use and development within the County. Commission members shall be appointed by the County Board for three-year terms of office.
2. Membership. The membership of the Commission shall consist of:
  - a. Seven members, at least two of whom are residents of that portion of the county outside the corporate limits of municipalities.
  - b. One member of the County Board shall be a non-voting member of the Commission, and
  - c. No other officer or employee of the County shall be appointed as a voting member.

No voting member of the Commission shall have received, during the two years prior to his/her appointment, any substantial portion of his/her income from business operations involving the development of land within the County for urban and urban related purposes.

Members may be removed from office for cause, including nonperformance of duty or misconduct in office, by a majority vote of all members excluding the challenged member. Members may be compensated at the discretion of, and in an amount determined by, the County Board. Members may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission, when approved by the County Board.

**Subd. B. Meetings.**

1. Meetings. All meetings of the Planning Commission shall be held at the call of the Planning Commission Chair or at the request of a majority of members of the Commission. All meetings conducted by the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its hearings and other official actions. Every requirement, decision, or determination of the Planning Commission shall be filed with the County Board and shall be a public record. The Planning Commission shall adopt its own rules of procedure not inconsistent with the Minnesota State Statutes or with this Ordinance.

2. Quorum. No hearing shall be conducted by the Planning Commission without a quorum, consisting of the majority of all the members. The concurring vote of the majority of the members voting shall be necessary to any action by the Planning Commission.

**Subd. C. Jurisdiction and duties.** The Planning Commission shall have the following jurisdiction and duties:

1. Prepare and recommend to the County Board a comprehensive plan for the development and use of land within the County. The plan shall include reasonable recommendations and requirements for streets and thoroughfares, public lands and public facilities and desirable patterns of land use within County boundaries but excluding any area within corporate limits unless otherwise requested by a community under the provisions of Minnesota Statutes, 2001, Section 394.32, as revised. Recommendations for changes to, or upgrading of, the Carlton County Community-Based Comprehensive Plan may be made from time to time.

2. To prepare and cause to be prepared, official controls to regulate the platting and use of land within the County in accordance with the guidelines indicated in the Carlton County Community-Based Comprehensive Plan, other related planning documents, and State law. Upon the adoption of the controls, by ordinance, the Planning Commission shall perform the duties assigned therein, and may recommend changes as necessary to better achieve the goals established in the Carlton County Community-Based Comprehensive Plan and related documents.

3. To conduct public hearings as required by this Ordinance.

4. To review and recommend to the County Board recommendations for approval or denial, and reason for such action, on all conditional or interim use permit applications as stipulated in this Ordinance.

**Section 4. Board of Adjustment****Subd. A. Creation and membership.**

1. A Board of Adjustment is hereby established and vested with such authority as is provided in this Ordinance and as provided by Minnesota Statutes, 2001, Section 394.27, as amended. The Board shall consist of three members, of which at least one shall be a member of the County Planning Commission, and one alternate, consisting of any Planning Commission member serving upon request of the chair, excluding any elected officer of the County or employee of the County Board. The three board members and alternate shall be appointed by the County Board. The Board shall serve with compensation in an amount determined by the County Board and may be paid necessary

expenses. The Board members shall be appointed for terms coinciding with the terms on the County Planning Commission. The Zoning Administrator, or authorized representative, shall act as ex officio secretary of the Board.

2. The Board of Adjustment shall elect a chair and a vice chair 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 chair and at such other times as the Board in its rules of procedure may specify.

4. The alternate board member shall, when directed by the chair, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chair. The chair shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged.

5. Any appointed member of the Board of Adjustment may be removed for non-performance of duty or misconduct in office by action of the chair or acting chair upon majority vote of the regular members of the board except the member who is being challenged. In any instance where a vacancy occurs on the board, the County Board shall appoint a substitute member for the remainder of the unexpired term.

**Subd. B. Powers.** The Board of Adjustment shall have the authority to:

1. Order the issuance of variances, except those pending legal action on an alleged violation of which the Zoning Administrator has filed a complaint with the County Attorney.

2. Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, 2001, Sections 394.21 to 394.37;

3. Order the issuance of permits for buildings in areas designated for future public use on the official map;

4. Interpret and clarify zoning district boundaries on the official Zoning Map.

## **Section 5. Conditional and Interim Use Permits**

**Subd. A. Application.**

1. Conditional or interim use permits shall be considered by the County Board based on recommendations by the County Planning Commission the uses or purposes as described by each zoning district in this Ordinance. In addition, the Planning Commission may recommend and the County Board may consider conditional or interim uses that are not specifically listed within each zoning district provided the following findings are made:

a. The use is similar in nature to other uses listed in the same zoning district; and

b. The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate conditions; and

c. The proposed use is not incompatible with adjacent land uses; and

d. The proposed use is not inconsistent with the Carlton County Comprehensive Plan or the intent of this Ordinance.

2. An application for a conditional or interim use permit shall be filed with the Zoning Administrator on a form approved by the County Board. To defray administrative costs of processing requests for conditional or interim use permits, a fee shall be paid by the applicant as established by the County Board. The application shall be accompanied by such plans and elevations and site plans as required by the County. Any use listed in this Ordinance as a conditional use may, at the discretion of the County, be processed and allowed as an interim use in accordance with Minnesota Statute 394.303 if such use will conform to the zoning regulations; if the date or event that will terminate the use can be identified with certainty; permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and the user agrees to any conditions that the County deems appropriate for permission of the use.

**Subd. B. Notification and Public Hearing.**

Upon receipt in proper form of the application and other requested material, the Carlton County Planning Commission shall hold at least one public hearing in a location to be determined by the Planning Commission. At least ten days in advance of each hearing, a notice of the time and place of such hearing shall be published in the official paper of the County. Written notices shall also be sent to all property owners of record within 500' of the affected property in incorporated areas and in unincorporated areas to owners of record within 1/4 mile of the affected property or to the ten properties nearest the affected property, whichever would provide notice to the greatest number of owners.

Written notice shall also be given to the affected Board of Town Supervisors and the city council of any municipality within two miles of the affected property.

**Subd. C. Report to the County Board. Filing.**

1. For each application for a conditional or interim use, the County Planning Commission shall report in writing to the County Board its findings and decisions, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are found necessary for the protection of the public interest.

2. A certified copy of any conditional or interim use permit shall be filed with the Carlton County registrar of deeds or titles for record. The conditional or interim use permit shall include the legal description of the property involved. The intended use of the permit must begin within one year of the filing date or will be considered void and a new application applied for. The filing shall be the responsibility of the Zoning Administrator, and shall be done within ten days from the date of permit issuance as authorized by the County Board. A copy of the permit shall also be forwarded to the Commissioner of Natural Resources in areas with a floodplain designation or within shoreland areas.

**Subd. D. Findings.** No conditional or interim use shall be approved by the County Board unless the Board finds that the following have been met:

1. That the conditional or interim 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 or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses

predominant in the area.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such manner that no disturbance to neighboring properties will result.

**Subd. E. Evaluation Criteria for Conditional or Interim Uses in the Shoreland Overlay District.**

The following additional evaluation criteria and standards apply within shoreland areas:

1. Evaluation criteria. A thorough evaluation of the water body 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 waters is limited.
  - c. The site is adequate for water supply and on-site sewage treatment.
  - 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. Additional standards for conditional or interim use permits. The County Board, upon consideration of the criteria listed above and the purposes of this Ordinance, may impose additional standards to the issuance of the conditional or interim use permits to fulfill the purposes of this Ordinance. Such standards may include, but are not limited to, the following:
  - a. Increased setbacks from the OHWL.
  - b. Limitations on the natural vegetation to be removed.
  - c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

**Subd. F. Compliance.** Any use permitted under the terms of a conditional or interim use permit shall be established and conducted in conformity with the requirements of the permit, this Ordinance, and of any conditions required by the County Board. These conditions may be imposed as deemed necessary to protect the public interest and may include but not be limited to matters relating to appearance, lighting, hours of operation and performance characteristics. When appropriate, restrictive covenants may be required for the property to recite these conditions.

**Subd. G. Permit Validity.** A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this Ordinance shall prevent the County Board from enacting or amending official controls to change the status of conditional uses, and provided that the use has not become inactive. A conditional use shall be considered inactive if the use has ceased, has been discontinued, or has been abandoned for a period of one year.

An interim use permit shall remain in effect until the date or event established through the approval process, so long as the conditions agreed upon are observed.

**Subd. H. Finality of Decision; Right of Appeal.** All decisions by the County Board in granting conditional or interim use permits, or in hearing appeals from any administrative order, requirement, decision or determination, shall be final except that an aggrieved person or persons, or any department, board or commission of the municipality, township, County or of the State shall have the right to appeal within 30 days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.

## **Section 6. Variances and Appeals**

**Subd. A. Variances.** (Amendment 27-F)

1. The Board of Adjustment shall have the authority to allow variances from some of the requirements in this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance in cases when there are practical difficulties in the way of carrying out the strict letter of any official control, when the terms of the variance are consistent with the Carlton County Community-Based Comprehensive Plan, and when the approval of a variance does not allow a use that is otherwise not allowed in the particular zoning district. Practical difficulties, as used in connection with the granting of a variance, means the property owner proposes to use the property in a reasonable manner not permitted by the official controls of this Ordinance. The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.

2. The Board of Adjustment must make all of the following findings in order to grant a variance:

- a. The property owner is proposing to use the property in a reasonable manner not permitted by this Ordinance.
- b. The practical difficulty is unique to the subject property and is not created by the property owner or prior property owners.

- c. The variance, if granted, will not alter the essential character of the locality.
- d. Economic considerations alone do not constitute a practical difficulty if a reasonable use for the property exists under the terms of this Ordinance.
- e. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- f. The terms of the variance are consistent with the Carlton County Community-Based Comprehensive Plan.
- g. If applicable, variances shall be granted for earth-sheltered construction as defined in Minnesota Statutes 216C.06, Subdivision 14, when in harmony with this Ordinance.
- h. If applicable, the Board of Adjustment may consider the inability to use solar energy systems a practical difficulty in the granting of variances.

If the variance is after-the-fact, the Board of Adjustment should consider the additional following factors:

- i. Why did the applicant fail to obtain a variance, and did the applicant act in good faith;
- j. Did the applicant attempt to comply with the law by obtaining permits;
- k. Did the applicant obtain a permit from another entity that violated the law;
- l. Did the applicant make a substantial improvement in the property;
- m. Did the applicant complete repairs, construction before the applicant was informed of the impropriety;
- n. Is the nature of the property residential/recreational and not commercial;
- o. Are there similar structures in place;
- p. Would the benefits to the public be outweighed by the detriments to the applicant if regulations were enforced?

**Subd. B. Variance Applications in the Shoreland District.** In addition to the application of the requirements of Subd. A. above, the Board shall consider the following in determining the variances from shoreland district standards:

1. Performance bonds may be required to assure compliance with representations made by the applicant and conditions imposed by the Zoning Administrator, the Board of Adjustment, and the County Board.
2. Mitigation practices. The following mitigation practices shall be required to mitigate the impacts of nonconformities, variances, uses, and development impacts within shoreland areas.
  - a. Individual sewage treatment systems shall be evaluated and upgraded to meet

the requirements of Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance.

b. Erosion control and stormwater management plans approved by the County, if required, are implemented at the commencement of construction and maintained until the completion of construction.

c. A property should obtain a score of 100 or more to meet performance standard requirements. A conforming lot is assigned score of 100. A lot is deemed conforming when the structure meets the required setbacks to the protected water as specified in the Carlton County Shoreland Management District. A structure that fails to meet this definition is considered nonconforming.

1.) Evaluation of Nonconformance. The structure’s level of nonconformance is based on a pre-mitigation lot score. To determine the lot score, follow the steps below and see reference table.

- a) Determine the DNR classification of the protected water on the lot (Article 4, Section 5, Subd. H. 6.).
- b) Determine the required structure setback to that classification of water (Article 4, Section 5, Subd. H. 7-8.)
- c) Determine the actual setback of the structure by measuring the closest part of the structure to the closest part of the protected water or bluff from which the setback is in question.
- d) Enter the corresponding score multiplier from the following reference table.
- e.) Calculate the pre-mitigation lot score by determining the percentage of the encroachment as it relates to the standard setback. To do this, multiply the actual setback by the score multiplier, then round to the nearest whole number.

Public Waters Type (DNR Classification)	Required Structure Setback	Score Multiplier Structures	Score Multiplier Bluff
General Development Lake	75'	1.333	(30' setback)
Recreational Development Lake	100'	1.000	
Natural Environment Lake	150'	0.667	
Tributary Stream	100'	1.000	4.000
Forested Stream	150'	0.667	
Remote Stream	200'	0.500	

2.) Mitigation. To bring a nonconforming structure to a score of 100, the landowner shall conduct and maintain one or more of the mitigating activities listed below.

- a) Zone A: Maintain, restore and maintain, or plant and maintain a 25' wide natural vegetated buffer zone adjacent 30 points

to the OHWL.

- b) Zone B: Maintain, restore and maintain, or plant and maintain an additional 12.5' wide natural vegetated buffer zone between Zone A landward. 20 points
- c) Zone C: Maintain, restore and maintain, or plant and maintain an additional 12.5' wide natural vegetated buffer zone between Zone B landward. 10 points
- d) Removal of other structures that do not meet the standard structure setbacks, including water-oriented structures. 10 pts/structure
- e) Removal of impervious surfaces (excluding bedrock) to at most half of the applicable ordinance maximum (12.5% impervious or less). 10 points
- f) Removal of fill placed in historic wetlands and no future wetland fill recorded on deed. 10 points
- g) Re-vegetate bluff or steep slopes and provide screening of structures from the lake. 10 points
- h) Diversion of all water runoff from impervious surfaces (excluding bedrock) away from the water body into retention ponds, subsurface drains, wetlands, etc. with no outlet to the lake or tributary. 10 points
- i) Maintain, restore and maintain, or plant and maintain aquatic vegetation with 50' shoreward of the OHWL. 10 points
- j) Restore ice berms adjacent to the OHWL. 10 points
- k) Stabilize eroding shoreline following the DNR Division or Water's guidelines. 10 points

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Final Pre-Mitigation Lot Score (line 1.) e.)

plus Mitigation Credits Total (lines 2.) a.-k.)

+

Grand Total (minimum 100 points)

*Note: The above stated activities shall follow the recommendations in the "Shoreline Restoration and Preservation Standards Guidance Document" approved by the Carlton County Board of Commissioners to obtain the mitigation credit points.*

**Subd. C. Appeals.**

1. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
2. An appeal from any order, requirement, decision or determination of any administrative official shall be made within 30 days of the contested administrative action by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof.
3. Upon receipt of the notice of appeal, the Board of Adjustment shall set a time and place for a public hearing before the Board on the appeal. At least ten days

before the date of the hearing, a notice of the hearing shall be published once in the official newspaper. Written notice shall be sent to the appellant and the officer from whom the appeal is taken at the same time.

4. The Board of Adjustment shall make its decision on the appeal within 15 days of the public hearing. Both the appellant and the officer involved shall be notified in writing of the decision of the Board and the reasons therefor.

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

**Subd. D. Official Record; Filing.**

1. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the register of deeds or registrar of titles for record. The order issued by the Board of Adjustment shall include the legal description of the property involved. A copy of the order shall be forwarded to the Commissioner of Natural Resources in areas with a floodplain designation or within shoreland areas.

2. The County Zoning Administrator shall have the responsibility for the filing required in Paragraph 1, above, and such filing shall be completed within ten days of the date of the order issued by the Board of Adjustment.

3. Finality of Decisions, Right of Appeal. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department board or commission of the municipality, township, county or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

## **Section 7. Environmental Review**

**Subd. A. Purpose.** To allow for the review of developments that may meet or meet the thresholds of environmental review as established under the Minnesota Environmental Review Program before action is considered by the Carlton County Board.

**Subd. B. Adoption of state environmental review program by reference.** The provisions of the rules for the Environmental Review Program, 6MCAR 3.021 to 3.056, which is on file in the County auditor's office, are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Carlton County will follow in implementing the provisions of Minnesota Statutes Chapter 116D relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this Section shall have the same meaning as the terms used in Chapter 116D and the rules adopted thereunder.

**Subd. C. Cost of preparation and review.**

1. Information to be provided. The applicant shall submit all information required under the Minnesota Environmental Review Program for a EAW, discretionary EAW or EIS, as appropriate, and any other information related to the proposed development that is requested by the Carlton County Zoning Administrator and/or County Board.
2. Environmental assessment worksheets and impact statements. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) or environmental impact statement (EIS) is required either by the state or County Board shall pay all costs for the preparation and review of all components of the EAW or EIS. The Zoning Administrator may require the applicant to:
  - a. Prepare the draft EAW or EIS and supply all necessary information to complete that document. The Zoning Administrator may request outside professional review of the draft EAW or EIS for which the applicant shall be responsible for paying for all fees and charges.
  - b. Pay for the preparation of an EAW or EIS of the development by a professional consulting company
3. Payment of costs. No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, all information required is supplied, and until the environmental review process has been completed as provided by law.
4. Preparation and review cost agreements. The applicant for a permit for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in 6MCAR 3.048 prior to preparation of an EAW or EIS.

**Subd. D. Review.**

1. All EAW's and EISs shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission and reviewed and approved by the County Board.
2. When reviewing an EAW or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations that 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.
3. 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 under 6MCAR 3.029 that an action has potential for significant effects.

**Subd. E. Optional EAW.** The County Board may, upon recommendation by the Zoning Administrator, require that an optional EAW be prepared on any proposed action if the action may be an action that 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:

1. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
2. Is the action likely to have disruptive effects such as generating traffic and noise?
3. Are there public questions or controversy concerning the environmental effects of the proposed actions?

**Subd. F. Enforcement and penalty.**

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

**Section 8. Nonconformities**

**Subd. A. Nonconforming uses.** Any use of a structure and/or premises and/or any sign existing at the time of enactment of this Ordinance, or subsequent amendment, but not in conformity with its provisions, may be continued provided that the existing structure or use or sign is not enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the land use of the structure to a use consistent with the provisions of this Ordinance.

1. Nonconforming junk yards. No junk yard may continue as a nonconforming use for more than five years after the effective date of this Ordinance, except that a junk yard may continue as a nonconforming use in commercial, industrial and agricultural districts, if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.
2. Regulation of appearance and function of nonconforming uses. Upon recommendation of the County Planning Commission, the County Board may order regulations governing a nonconforming use relative to appearance, signs, lighting, hours of operation and other aesthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke.
3. Discontinuance.
  - a. In the event that a nonconforming use of any building or property is discontinued or its normal operation stopped for a period of one year, the use of the building or property shall thereafter conform to the regulations of the district in which it is located.
  - b. In the event that the use of a nonconforming sign is discontinued or its normal operation stopped for a period of six months the sign and/or structure shall be removed by the owner or lessor at the request of the Zoning and Environmental Services Administrator.

4. 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 to the provisions of this Ordinance. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. This provision shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
5. Residential alterations. Alterations may be made to a residential building containing nonconforming 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.
6. Restoration. No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% percent of its estimated current market value shall be restored, except in conformity with the regulations of this Ordinance.
7. Normal maintenance. Maintenance of a building or other structure containing or used by a nonconforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations that do not extend or intensify the nonconforming 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 Zoning Administrator.
8. Modification of restrictions. Any restriction governing nonconforming uses, as detailed in this Subdivision, may be modified by the Board of Adjustment upon issuance of a variance in accordance with the procedures described in Section 6 of this Article.
9. Public acquisition of nonconforming uses. Any nonconforming use that is determined by the County Board to be detrimental to the achievement of the objectives of the Carlton County Community-Based Comprehensive Plan may be acquired by the Board by purchase.

**Subd. B. Nonconforming lots of record.** Any lot of record lawfully in existence prior to the date of enactment of this Ordinance may be developed subject to the following limitations:

1. Nothing in this Ordinance shall be construed to render unusable building sites for uses permitted within the district in which it is situated.
2. Lots conforming to the minimum lot area and minimum lot width requirements in existence at the time of the adoption of this Ordinance shall be considered to be conforming to the newly established minimum lot area and lot width requirements and shall not require variances to minimum lot area and lot width requirements for land use approvals and permits, provided individual sewage treatment system and setback requirements of this Ordinance are met.
3. Any other lot of record that is in separate ownership from abutting property that does not meet the lot area, width or depth requirements of this Ordinance must meet the minimum of 50% of the area, dimensional and setback requirements of the zoning district in which it is located and have demonstrated to the satisfaction of the

Zoning that all sanitary sewer requirements of Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance may be met. (Amendment 27-F)

4. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Article 4 of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Article 4 of this Ordinance as much as possible.

**Subd. C. Nonconformities in the Shoreland Overlay District.** All legally established nonconformities in the shoreland overlay district, as of the date of this Ordinance, may continue except that the following standards shall also apply:

1. Lots of record. Construction on lots of record within shorelands that do not meet the lot area and lot width requirements of this Subdivision may be buildable if they comply with the following requirements as demonstrated to the satisfaction of the Zoning Administrator:

a. The lot meets 50% of the required lot area and lot width requirements of Article 4, Section 3.

b. The lot is a lot of record, as defined in Article 2, Section 2.

c. The lot has been in separate ownership from abutting lands at all times since it became nonconforming and when created complied with official controls in effect at the time.

d. Sewage treatment and building setback requirements are met.

e. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the minimum lot size requirements of this Ordinance, the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance.

2. Riparian nonconforming lots. Nonconforming lots regardless of lot size and width, may have one water oriented accessory use in accordance with the standards found in Article 4, Section 5, Subd. H., of this Ordinance.

3. Additions/expansions to nonconforming structures without a variance.

a. Nonconforming principal structures outside the shore impact zone may be expanded once under this provision without a variance provided the following standards are met:

1.) There have been no additions (except a deck) to the structure since July 1, 1972.

2.) The principal structure meets or exceeds a ground floor area of 400 sq. ft.

3.) The principal structure complies with side yard and front yard (non-shoreland) requirements.

- 4.) The addition/expansion area will not encroach upon the septic treatment system or expansion area.
  - 5.) The addition/expansion will not be located on the shoreline side of the principal structure.
  - 6.) The addition/expansion will not exceed the height of the principal structure by more than 2'.
  - 7.) The maximum allowable area expansion/addition is determined by the following formula:
    - a) Divide the existing OHWL setback by the required OHWL setback for the lake classification.
    - b) Multiply the above figure by 800 if the addition is to the rear, and 300 if the addition is to the side, 500 feet for "L" shaped additions.
    - c) In no event shall an addition to the rear exceed 50% of original ground floor area, or an addition to the side exceeds 25% of the original ground floor area. For "L" shaped additions, the addition shall not exceed 35% if the majority of the addition is to the rear, and 25% if the majority of the addition is to the side.
  - 8.) The mitigation standards in Article 3, Section 6, Subd. B.2. shall be met.
- b. Deck additions outside of the shore impact zone may be allowed without a variance to a nonconforming principal structure not meeting the required setback from the OHWL if all of the following criteria and standards are met:
- 1.) The principal structure was constructed before July 1, 1972.
  - 2.) An evaluation of the property and structure reveals no reasonable location for a deck to meet OHWL setback of the structure.
  - 3.) The deck encroachment toward the shoreline does not exceed 15% of the existing setback of the structure from the OHWL or does not encroach closer than 50% of the required lake setback, whichever is more restrictive.
  - 4.) The deck is finished in earthtone colors, and does not have sidewalls, a roof or screens.
  - 5.) The deck and principal structure shall meet the road and side yard setbacks.
  - 6.) The mitigation standards in Article 3, Section 6, Subd. B.2. shall be met.
- c. An addition or expansion may be constructed on a building that does not meet 50% of the required lot area or lot width provided that the addition/expansion meets all setback requirements of this Subdivision and the primary zoning district.
4. Additions/expansions to nonconforming structures not meeting the standards established in this Subdivision shall require a variance from the Board of Adjustment

following the procedure established in this Section.

## **Section 9. Zoning Ordinance Text and Map Amendments**

### **Subd. A. 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. An application of the owner or owners of the actual property;
  - b. A recommendation of the County Planning Commission;
  - c. Or by action of the County Board.
3. An application for an amendment to the Carlton County Zoning Ordinance text or Carlton County Zoning Map, and the required fee as established by the County Board, shall be filed with the Zoning Administrator. All applications for changes in the boundaries of any zoning district which are initiated by 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 500' in incorporated areas, or 1/2 mile in unincorporated areas, of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such areas as the same appears on the records of Carlton County.

### **Subd. B. Public Hearings.**

1. Upon receipt of a complete application and other requested material, the Carlton County Planning Commission shall hold at least one public hearing in a location to be determined by the Planning Commission. At least ten days in advance of each hearing, a notice of the time and place of such hearing shall be published in the official paper of the County. Public hearings may be continued from time to time, and additional hearings may be held.

### **Subd. C. 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 written copy with the County Board and the Zoning Administrator within the time limits prescribed by law. If no report or recommendation is transmitted by the County Planning Commission within the time limits prescribed by law, the County Board may take action without awaiting such recommendation.
2. Upon filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the amendment or any part of it in such form as it deems advisable. The amendment shall be effective only if a majority of all the members of the Board concur in its passage, unless a larger number is required by law.

## **Section 10. Deadline for Actions** (Amendment 27-E)

The Zoning Administrator shall process on a form provided by the County all zoning actions consistent with the timetable established by law. Applications for zoning actions must be completed and all associated fees must be paid before review on any zoning action commences. The Zoning Administrator shall have fifteen (15) business days after receipt of an application to determine whether the application is complete. If the application is incomplete, the Zoning Administrator shall notify the applicant in writing of such and identify the missing components. If the application is found to be complete, the deadline for action will have begun on the date of receipt of the completed application.

The Zoning Administrator, Planning Commission, Board of Adjustment, and County Board shall act on all applications within sixty (60) days of receipt of the completed application, unless the applicant is notified in writing that such action cannot be completed within the sixty-(60) day timeframe. Such notice shall include the reason(s) for the delay and indicate that action on the application will be completed within one hundred twenty (120) days from the date of receipt of the completed application. The Zoning Administrator, Planning Commission, Board of Adjustment, and County Board are each authorized to extend the time limit to one hundred and twenty (120) days. An applicant may voluntarily waive any deadline for review by notifying the County of such in writing.

When an action requires an environmental review, the deadline for action shall not commence until after the environmental review is completed.

## **Section 11. Fees, Charges, and Expenses**

**Subd. A.** The County Board, by resolution shall establish a schedule of fees, charges, reimbursement for out-of-pocket expenses, and a collection procedure for land use permits, certificates of land use compliance, conditional or interim use permits, appeal applications and other matters pertaining to this Ordinance. This schedule of fees shall be available in the office of the Zoning Administrator and may be altered or amended only by resolution of the County Board.

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

## **Section 12. Violations and Penalties**

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

## ARTICLE 4. ZONING MAP AND CLASSIFICATION OF DISTRICTS

### Section 1. Official Zoning Map

**Subd. A. Zoning map.** The location and boundaries of the zoning districts established by this Ordinance shall be known and may be referred to as the "Carlton County official Zoning Map." The map, consisting of sheets and all notations, references and data shown on it are incorporated by reference into this Ordinance and shall be a part of this Ordinance.

**Subd. B. Shoreland and floodplain overlay areas.** Shorelands and floodplain areas shall be a part of the official Zoning Map established by this Section. The boundary lines of the shoreland and floodplain overlay districts shall be determined as specified in Subdivisions G and H, respectively, of Section 5 of this Article.

**Subd. C. Red clay overlay area.** The red clay areas are those that correspond with the Ontonagon Silty Clay, Campia-Ontonagon Complex, Bergland Clay, Campia Silt Loam, and Udorthents soil types found within the County as shown on the Carlton County Soil Survey.

**Subd. D. St. Louis River overlay area.** The boundaries of the St. Louis River Overlay Area are described in the St. Louis River Management Plan, which is adopted herein by reference.

**Subd. E. Closed Landfill Restricted (CLR) Overlay District.** The CLR Overlay District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA.

**Subd. F. Boundary lines.** Except for the overlay districts, zoning district boundary lines shown on the official Zoning Map, unless otherwise indicated, are intended to follow:

1. The centerlines of highways, roads, streets, alleys or railroad right of-way or lines extended or parallel to them.
2. Section, half-section, quarter section, quarter-quarter section or other fractional section lines of the United States public land surveys, as established by law.
3. 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 centerline at a distance equivalent to the number of feet indicated, unless otherwise noted.

**Subd. G. Jurisdiction.** All unincorporated property within the County for which the County has jurisdiction authorized under Minnesota Statutes Chapter 394, except as otherwise provided by law, shall have the zoning designation shown on the official Zoning Map. If there is any discrepancy or inconsistency between the official Zoning Map and any other map, ordinance or source which purports to indicate the zoning of property, the official Zoning Map shall take precedence.

**Subd. H. Zoning map maintenance.** It shall be the responsibility of the Zoning Administrator to maintain the Carlton County Official Zoning Map and to promptly make changes on the map after official publication of amendments. The official Zoning Map shall be kept on file in the Zoning Administrator's office in the County Courthouse.

## ***Section 2.* Detachment**

Any land detached from an incorporated municipality, or released from state or federal ownership, and placed under the jurisdiction of this Ordinance in the future shall be placed in the A-1 Agriculture/Forest Management District until placed in another district by the County Board after recommendation of the County Planning Commission.

### Section 3. District Dimensional Requirements

Subd. A. Dimensional Requirements. The district dimensional requirements are established in the following tables:

Standards	Table 1 Dimensional Standards													REM	REC	
	Districts							Overlay Areas								
	A-1	A-2	R-1	C-1	C-2	M-1	RC	CLR	NE	RD	GD	R	F	T		
Density <sup>1</sup>	1:20 acre	1:5 acre	1:1 ac.	1:1 ac.	1:1 ac.	1:5 ac.	UD <sup>2</sup>	UD	UD	UD	UD	UD	UD	UD	UD	UD
Min. Lot Area	20 ac 2 ac. cluster <sup>3</sup>	2.5ac.	1 ac. - single; 2 ac. - duplex	1 ac. <sup>6</sup>	1 ac. <sup>6</sup>	10 ac.	UD	UD	UD <sup>7</sup>	UD <sup>7</sup>	UD <sup>7</sup>	UD	UD	UD	17 ac.	4.5 ac.
Min. Buildable Area <sup>8</sup>	½ ac.	½ ac.	½ ac.	½ ac.	½ ac.	½ ac.	UD	UD	UD	UD	UD	UD	UD	UD	1 ac.	1 ac.
Min. Lot Width	330' 165' cluster	250' m&b <sup>4</sup> 165' plat <sup>5</sup>	150'	150'	150'	330'	UD	UD	UD <sup>9</sup>	UD <sup>9</sup>	UD <sup>9</sup>	UD	UD	UD	600'	300'
Min. Lot Depth	300'	300'	150'	200'	200'	660'	UD	UD	UD	UD	UD	UD	UD	UD	UD	UD
OHWL <sup>10</sup> Setback: Structure	NA (not applicable)	NA	NA	NA	NA	NA	NA	NA	150'	100'	75'	200'	150'	100'	200'	150'
OHWL Setback: ISTS	NA	NA	NA	NA	NA	NA	NA	NA	150'	100'	100'	150'	100'	100'	150'	150'

- 1 Density refers to the number of dwelling units permitted within the corresponding acreage or the number of freestanding or detached businesses under single ownership permitted within the corresponding acreage.
- 2 UD refers to underlying or primary zoning district standards which apply within the corresponding overlay district. Where a UD standard is different from an overlay standard, the more restrictive standard shall apply, except DNR riparian lot standards always apply. (See Art. 4, Sec. 4, Subd. H.7. for additional shoreland standards).
- 3 Cluster refers to a subdivision arrangement that preserves agricultural and forest land as provided in this Ordinance and the Carlton County Subdivision Ordinance.
- 4 M & B refers to a parcel of land created by metes and bounds description and includes other no-platted parcel descriptions.
- 5 Plat refers to a parcel of land created by the platting procedures of the Carlton County Subdivision Ordinance.
- 6 Minimum lot area is ½ acre with public sewer.
- 7 Non-sewered riparian lot areas are: NE: 80,000 sq. ft., RD: 40,000 sq. ft., GD: 20,000 sq. ft. (See Art. 4, Sec. 4, Subd. H.7. for additional dimensional standards).
- 8 Buildable area is a contiguous land area which is unencumbered by surface water, wetlands, floodplain, exposed bedrock, or slopes in excess of 12%.
- 9 Non-sewered single family riparian lot widths are: NE: 200ft., RD: 150 ft., GD: 100 ft. (See Art. 4, Sec. 4, Subd. H.7. for additional dimensional standards).
- 10 OHWL means the ordinary high water level of the corresponding public water.

District and Overlay Areas Abbreviations

A-1	Agriculture / Forest Management	M-1	Limited Industrial	R	Shoreland - Remote River
A-2	Agriculture / Rural Residential	RC	Red Clay Overlay Area	F	Shoreland - Forested River
R-1	Recreation Residential	NE	Shoreland - Natural Environment Lake	T	Shoreland - Tributary Stream
C-1	Commercial Recreation	RD	Shoreland - Recreational Development Lake	REM	St. Louis River - Remote Area
C-2	Highway Commercial	GD	Shoreland - General Development Lake	REC	St. Louis River - Recreational Area
CLR	Closed Landfill Restricted Overlay District				

Table 2 Height, Setback, and Lot Coverage Standards							
Standards	Districts						Overlay Areas
	A-1	A-2	R-1	C-1	C-2	M-1	
Maximum Building Height <sup>1</sup> :							
Agricultural Building	none	none	NA	NA	NA	NA	none
Other	30'	30'	30'	30'	30'	35'	35'
Structure Setbacks (Principal and Accessory):							
Front yard:							
Principal/Minor Arterial (bldg. line to road centerline)	110'	110'	110'	110'	110'	110'	110'
Major/Minor Collector (bldg. line to road centerline)	85'	85'	85'	85'	85'	85'	85'
Local Road (bldg. line to road centerline)	85'	85'	85'	85'	85'	85'	85'
All Roads (bldg. line to road ROW) <sup>2</sup>	35'	35'	35'	35'	35'	35'	35'
Platted Road	35'	35'	35'	35'	35'	35'	35'
Side yard (bldg. line to side yard):							
Principal Structure	20'	20'	10'	10'	20'	20'	UD <sup>3</sup>
Accessory Structure	10'	10'	10'	10'	10'	10'	UD
Adjacent to A-2 and/or R-1 District(s)	10'	NA	NA	20'	20'	100'	UD
Side yard corner lot – double frontage (same as front yard setbacks):	front	front	front	front	front	front	front
Rear yard (bldg. line to rear yard):							
Principal Structure	50'	40'	30'	15'	15'	40'	UD <sup>5</sup>
Accessory Structure <sup>4</sup>	10'	10'	10'	10'	10'	10'	UD <sup>5</sup>
Rear yard (bldg. line to alley ROW)							
All Structures	20'	20'	20'	20'	20'	20'	20'
Maximum Lot Coverage (buildings, structures, roads, driveways, parking areas, and other impervious surfaces, including gravel surfaces):							
	NA	NA	35%	50%	50%	50%	25%

- 1 See other district and performance standard provisions for authorized height exception, such as towers.
- 2 The distance to road centerline shall apply if it results in a larger setback.
- 3 UD refers to underlying or primary zoning district standards which apply within the corresponding overlay district. In any instance where a primary district standard is different from an overlay district standard, the more restrictive standard shall apply.
- 4 Animal pens, feedlots, or animal structures shall be a minimum of 35 feet from side or rear property lines.
- 5 See Table 1, Dimensional Standards, for OHWL setback requirements.

**Subd. B. Area, height and setback requirements.**

1. Area regulations. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than required by this Ordinance.
2. Height regulations.
  - a. Height limitations as established by this Ordinance may be:
    - 1.) increased by 100% percent when applied to the following:
      - a) monuments;
      - b) flag poles;
      - c) cooling towers;
      - d) grain elevators.
    - 2.) increased with no limitation when applied to the following:
      - a) church spires, belfries or domes which do not contain any usable space;
      - b) water towers;
      - c) chimneys or smokestacks;
      - d) radio or television transmitting towers;
      - e) essential service structures.
3. Setback and yard regulations.
  - a. Front yard setbacks. When more than 60% of the frontage on the side of the street between intersections is occupied by structures in the R-1 District having setbacks from street right-of-way of greater or lesser an amount than required by this Ordinance, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portions of the first adjacent building on each side.
  - b. Yard regulations. Measurements shall be taken from the nearest point of the wall of the building to the lot line in question, subject to the following qualifications:
    - 1.) Cornices, canopies or eaves may extend into the required front yard a distance not exceeding 4 ½'.
    - 2.) Fire escapes may extend into the required front yard a distance not to exceed 4 ½'.
    - 3.) A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor to the building. An open railing no higher than 3 ½' may be placed around such place.
    - 4.) 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 entrance.

5.) A wall, fence or hedge may occupy part of the required front, side, or rear yard. Where only one face of the proposed fence will be attractive design treatment, such face shall orient to the neighboring adjacent use(s).

6.) On double frontage lots, the required front yard shall be provided on both streets.

7.) 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.

8.) The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running along the side road lines between the road intersection and a point 50' from the intersection, and the third side of which is the line between the latter two points.

c. Accessory buildings. Accessory buildings may be constructed within ten feet of the side and rear lot lines in any district provided that no portion of the structure shall extend or overhang within seven feet of a lot line and that buildings housing livestock shall not be closer than 35' from any lot line or dwelling and shall comply with state and county health requirements.

## **Section 4. Establishment of Districts**

**Subd. A. Establishment of districts.** Zoning districts are established to regulate the type and design of land uses within Carlton County. The zoning districts are based on the Carlton County Community-Based Comprehensive Plan, the State Shoreland Regulations (Minnesota Rule 6120), the State Floodplain Regulations (Minnesota Rule 6120), and the Carlton County Local Water Management Plan.

**Subd. B. Application.** The zoning districts shall apply to property as designated on the Zoning Map and defined within this Ordinance and applicable state or federal regulations. Two types of zoning districts are utilized. All lands under jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

1. The primary districts include:
  - a. A-1 Agriculture/Forest Management District
  - b. A-2 Agriculture/Rural Residential District
  - c. R-1 Recreation Residential District
  - d. C-1 Commercial Recreation District
  - e. C-2 Highway Service Commercial District
  - f. M-1 Limited Industrial District

2. The overlay districts include:
  - a. Floodplain Overlay District
  - b. Shoreland Overlay District
  - c. Red Clay Overlay District
  - d. St. Louis River Overlay District
  - e. Closed Landfill Restricted Overlay District

## **Section 5. Zoning District Use Provisions**

### **Subd. A. A-1 Agriculture/Forest Management District.**

1. Purpose. This district is to provide for uses that allow forest production and management programs; agricultural farms and related uses; and single family residential homes in those areas best suited for such activities. It is particularly intended to encourage the combination of forest management of farm woodlots in combination with agricultural activities. It is also intended to recognize the value of the forest as a recreational resource by permitting as a conditional or interim use certain recreational activities which when adequately developed are compatible with forest management.
2. Permitted uses. Permitted uses are subject to applicable requirements of Article 3, Section 1 and Article 5, Section 7.
  - a. Agricultural activities, and structures associated with such activities.
  - b. Cemeteries.
  - c. Extractive activities less than one acre that meet the requirements of Article 5, Section 13, Subd. D.
  - d. Forest production and management activities including planting, culture, thinning and harvesting of trees.
  - e. Freestanding telecommunication towers not exceeding 60' feet in height that meet the requirements of Article 5, Section 6.
  - f. Game habitat improvement areas and wildlife management areas.
  - g. Public parks and recreational facilities.
  - h. Single family dwellings and cluster single family dwellings that meet the requirements of Article 5, Section 19.
  - i. State-licensed residential facilities and state-licensed daycare facilities described in Minnesota Statutes Section 462.357, Subd. 7. A state-licensed residential facility or a housing with services establishment serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules to serve 14 or fewer children shall be considered a permitted single family residential use of property, except that a residential facility whose primary purpose is to treat

juveniles who have violated criminal statutes relating to sex offenses or who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

- j. Home-based businesses that meet the requirements of Article 5, Section 3.
  - k. Antennae attached to an existing structure or tower and not exceeding more than 25' above the highest point of the tower or structure.
  - l. Commercial kennels
  - m. Construction and maintenance of temporary road systems required for forest management, harvesting and processing activities.
  - n. Home occupations that meet the requirements of Article 5, Section 2.
  - o. Animal feedlots that meet the requirements of Article 5, Section 18.
  - p. Living quarters of persons employed on the premises.
  - q. Private garage, storage shed, stable.
  - r. Private swimming pool and recreational equipment.
  - s. Temporary forest processing facilities including portable sawmills, debarking and chipping equipment, and yarding areas.
  - t. Riding academies and commercial stables.
3. Conditional or interim uses. Conditional or interim uses are subject to the provisions of Article 5, Section 12, Performance Standards for Conditional or Interim Uses, of this Ordinance.
- a. Airports and heliports.
  - b. Home-based businesses according to Article 5, Section 3 of this Ordinance.
  - c. Dams, plants for production of electric power and flowage areas.
  - d. Electrical transmission lines greater than 69kv, transmission towers exceeding 50' in height, and regional pipelines.
  - e. Extractive, quarry and mining activities exceeding one acre in size.
  - f. Freestanding communication towers not exceeding 450' feet in height.
  - g. Permanent forest processing activities including sawmills, debarking and chipping facilities and yarding areas.
  - h. Private parks, recreational campgrounds, and recreational facilities.
  - i. Solid waste disposal sites.
4. Dimensional requirements. As established in Section 3 of this Article.

5. Additional requirements for signs, parking and other regulations are established in Article 5 of this Ordinance.

**Subd. B. A-2 Agriculture/Rural Residential District.**

1. Purpose. The A-2 Agriculture/Rural Residential District is intended to provide a district that will allow suitable areas of the County to be used for agricultural, forest management, large-lot residential homesites, and other uses appropriate in a rural environment in accordance with the *Carlton County Community-Based Comprehensive Plan*.

2. Permitted uses. Permitted uses are subject to applicable requirements of Article 3, Section 1 and Article 5, Section 7.

- a. Any use that is a permitted use, in the A-1 District, except clustering.
- b. Public schools or private schools having a curriculum equivalent to a public elementary or public high school.
- c. Religious institutions.
- d. Riding academies and commercial stables.

3. Conditional or interim uses. Conditional or interim uses are subject to the provisions of Article 5, Section 12, Performance Standards for Conditional or Interim Uses, of this Ordinance.

- a. Bed and breakfast homes.
- b. Dams, plants for production of electric power and flowage areas.
- c. Electrical transmission lines greater than 69kv, transmission towers exceeding 50' in height, and regional pipelines.
- d. Extractive, quarry and mining activities exceeding one acre in size.
- e. Freestanding communication towers not exceeding 450' in height.
- f. Grain storage bins as a primary use.
- g. Home-based businesses according to Article 5, Section 3 of this Ordinance.
- h. Hospital, convalescent or nursing home.
- i. Permanent forest processing activities including sawmills, debarking and chipping facilities and yarding areas.
- j. Public buildings and facilities.
- k. Private parks, recreational campgrounds, and recreational facilities.
- l. Solid waste disposal sites.

4. Dimensional requirements. As established in Section 3 of this Article.

5. Additional requirements for signs, parking and other regulations are established in Article 5 of this Ordinance.

**Subd. C. R-1 Recreation Residential District.**

1. Purpose. The R-1 Recreation Residential District is intended to provide area for low density residential development with private sewer and water utilities in areas adjacent to communities or lakeshore areas that have already developed with higher densities where it is desirable to encourage orderly growth and eliminate uncontrolled and incompatible use mixes.
2. Permitted Uses. Permitted uses are subject to applicable requirements of Article 3, Section 1 and Article 5, Section 7.
  - a. Single family dwellings.
  - b. Two family attached dwellings (requires one acre per unit or two acres per building).
  - c. Public parks and recreational facilities.
  - d. Public schools or private schools having curriculum equivalent to public schools, provided that no building shall be located within 50' of any lot line adjoining residential property.
  - e. Religious institutions and related facilities, provided that no building shall be located within 50' of any lot line adjoining residential property.
  - f. State-licensed residential facilities and state-licensed daycare facilities described in Minnesota Statutes Section 462.357, Subd. 7. A state-licensed residential facility or a housing with services establishment serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules to serve 14 or fewer children shall be considered a permitted single family residential use of property, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.
  - g. Accessory uses customary and incidental to the uses permitted in this subpart.
  - h. Antennae attached to an existing structure or tower and not exceeding more than 25' above the highest point of the tower or structure.
  - i. Home occupations that meet the requirements of Article 5, Section 2.
  - j. Keeping of not more than four boarders and roomers by a resident.
  - k. Private swimming pool.
3. Conditional or interim uses. Conditional or interim uses are subject to the provisions of Article 5, Section 12, Performance Standards for Conditional or Interim Uses, of this Ordinance.
  - a. Bed and breakfast homes.
  - b. Cemeteries.
  - c. Hospitals, convalescent or nursing homes.
  - d. Multiple family residential units, when public utilities are available.

- e. Public buildings and facilities.
  - f. Private parks, recreational campgrounds, and recreational facilities.
4. Dimensional Requirements: As established in Section 3 of this Article
  5. Additional requirements for signs, parking and other regulations are established in Article 5 of this Ordinance.

**Subd. D. C-1 Commercial Recreation District.**

1. Purpose: The Commercial Recreation District is intended to provide suitable locations for resorts and commercial recreational services along certain shorelands of lakes and rivers in Carlton County and areas that serve as the gateway to recreational facilities for residents and tourists in the County.
2. Permitted Uses. Permitted uses are subject to applicable requirements of Article 3, Section 1 and Article 5, Section 7.
  - a. Bed and breakfast homes.
  - b. Off-sale liquor establishments and restaurants.
  - c. Public recreational uses and facilities.
  - d. Real estate and rental vacation home offices.
  - e. Resorts and associated limited retail facilities including gasoline sales, gift shops, grocery stores less than 5,000 sq. ft. and similar associated uses, that provide services to guests of the resort.
  - f. Tourism related retail and service establishments such as sporting goods stores, outfitters and suppliers, and bait shops.
  - g. Signs that meet the requirements of Article 5, Section 16.
  - h. Accessory uses customary and incidental to the uses permitted in this subpart.
  - i. Antennae attached to an existing structure or tower and not exceeding more than 25' above the highest point of the tower or structure.
  - j. Swimming pools, saunas, outdoor recreational equipment and structures.
  - k. Rental storage facilities and rental goods establishments.
3. Conditional or interim uses. Conditional or interim uses are subject to the provisions of Article 5, Section 12, Performance Standards for Conditional or Interim Uses, of this Ordinance.
  - a. Hotels and motels.
  - b. Private parks, recreational campgrounds, and recreational facilities.
  - c. Riding academies and commercial stables.
  - d. Boat slips, service and storage marinas, harbor and docking facilities.
4. Dimensional requirements: As established in Section 3 of this Article.
5. Additional requirements for signs, parking and other regulations are established in Article 5 of this Ordinance.

**Subd. E. C-2 Highway Commercial District.**

1. Purpose: The purpose of the C-2 Highway Commercial District is to provide area for compact and convenient limited highway-oriented businesses that are in close proximity to communities in the County and near I-35 interchanges that meet standards designed to limit impacts to traffic-carrying capabilities of abutting roads and highways.
2. Permitted uses. Permitted uses are subject to applicable requirements of Article 3, Section 1 and Article 5, Section 7.
  - a. Gas stations, automobile convenience markets and automobile repairs conducted entirely within buildings.
  - b. New and used automobile, implement, and boat sales and indoor repair services.
  - c. Commercial daycare facilities.
  - d. Freestanding telecommunications tower not exceeding 100' in height that meet the requirements of Article 5, Section 6.
  - e. Hotels and motels.
  - f. Landscape nursery, garden store provided there is no unscreened outside storage except for plant materials.
  - g. Public buildings and facilities.
  - h. Restaurants.
  - i. Retail and office uses occurring within an enclosed building.
  - j. Small engine service and repair shops occurring within an enclosed building.
  - k. Signs that meet the requirements of Article 5, Section 16.
  - l. Accessory uses customary and incidental to the uses permitted in this subpart.
  - m. Antennae attached to an existing structure or tower and not exceeding more than 25' above the highest point of the tower or structure.
  - n. Residential dwelling units only when essential as housing for a proprietor and family of the primary use of the property.
  - o. Mini storage facilities.
3. Conditional or interim uses. Conditional or interim uses are subject to the provisions of Article 5, Section 12, Performance Standards for Conditional or Interim Uses, of this Ordinance.
  - a. Bed and breakfast homes.
  - b. Retail uses over 50,000 sq. ft.

- c. Community or regional shopping centers.
  - d. Freestanding telecommunications tower not exceeding 250' in height.
  - e. Outside storage of goods and equipment associated with a business occurring within an enclosed building.
4. Dimensional requirements. As established in Section 3 of this Article.
  5. Additional requirements for signs, parking and other regulations are established in Article 5 of this Ordinance.

**Subd. F. M-1 Limited Industrial District.**

1. Purpose. This district is intended to provide area for compact limited industrial areas that are close to communities in the County and major highways that are capable of accommodating industrial oriented traffic. Additionally, the provisions of this district are designed to encourage compatibility with surrounding or abutting zoning districts.
2. Permitted uses. Permitted uses are subject to applicable requirements of Article 3, Section 1 and Article 5, Section 7.
  - a. Automobile, implement, marine and boat sales, new and used, and repair services.
  - b. Automobile service stations and related uses.
  - c. Freestanding telecommunications tower not exceeding 200' in height that meet the requirements of Article 5, Section 6.
  - d. Manufacturing, processing, service, storage, warehouse, wholesale or research uses occurring within an enclosed building.
  - e. Office and service uses.
  - f. Public buildings and facilities.
  - g. Signs that meet the requirements of Article 5, Section 16.
  - h. Accessory uses customary and incidental to the uses permitted in this subpart.
  - i. Antennae attached to an existing structure or tower and not exceeding more than 25' above the highest point of the tower or structure.
  - j. Exterior storage, provided it is screened from public view and adjacent residential properties.
  - k. Dwelling units for caretakers, provided it is located within the principal structure on the property.
  - l. Retail uses that occupy no more than 1/3 of the principal building on the property.
  - m. Mini storage facilities.

3. Conditional or interim uses. Conditional or interim uses are subject to the provisions of Article 5, Section 12, Performance Standards for Conditional or Interim Uses, of this Ordinance.
  - a. Motor and railroad freight terminals and associated facilities.
  - b. Airports and heliports.
  - c. Extraction, processing or storage of sand, gravel, stone or other raw material.
  - d. Freestanding communications towers exceeding 200' in height
  - e. Junk yards, salvage yards, and solid waste management facilities.
  - f. Road maintenance shops and equipment storage areas, vehicle testing grounds and repair facilities.
  - g. Vehicle towing businesses and related facilities
4. Dimensional Requirements. As established in Section 3 of this Article.
5. Additional requirements for signs, parking and other regulations are established in Article 5 of this Ordinance.

**Subd. G. FP Floodplain Management District.**

1. Statutory authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and Chapter 394 delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute, Chapter 104 further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore, the regulations in this Subdivision are incorporated into the Carlton County Zoning Ordinance.
2. Purpose. The purpose of this Subdivision is to maintain the County's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Warning of disclaimer of liability. This Subdivision does not imply that areas outside of the floodplain district or land uses permitted within such districts will be free from flooding and flood damages. This Subdivision shall not create liability on the part of Carlton County or any officer or employee thereof for any flood damages that result from reliance on this Subdivision of this Ordinance or any administrative decisions lawfully made thereunder.
4. General provisions.
  - a. Application. The floodplain overlay district shall apply to all lands within the jurisdiction of Carlton County shown on the Zoning Map and/or attachments to the map as being located within the boundaries of the floodway, flood fringe or general floodplain areas.
  - b. Adoption of flood insurance rate map. The Carlton County Zoning Map

includes the flood insurance rate map for Carlton County, dated September 1, 1988, developed by the Federal Emergency Management Agency that is on file in the Carlton County Zoning Administrators office.

c. Interpretation. The boundaries of the floodplain zoning areas 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 floodplain zoning areas, the Carlton County Zoning Administrator shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the County shall:

- 1.) require a floodplain evaluation consistent with Subsection 4.F. of this Subdivision to determine a 100-year flood elevation for the site; or
- 2.) base its decision on available hydraulic/hydrologic or site elevation survey data that demonstrates the likelihood that the site is within or outside of the floodplain.

d. Overlay district. The floodplain zoning district shall be considered an overlay zoning district to all existing land use regulations of the County. The uses permitted in Subsection 4.F. of this Subdivision shall be permitted only if not prohibited by the underlying zoning district. The requirements of this Subdivision shall apply in addition to other legally established regulations of the County and where this Subdivision imposes greater restrictions, the provisions of this Subdivision shall apply.

e. 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 Subdivision and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the floodway and flood fringe, all uses not listed as permitted uses in Subsection 4.F. of this Subdivision shall be prohibited. In addition:

- 1.) New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Subdivision and specifically Subsection 4.N.; and
- 2.) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Subdivision and specifically Subsection 4.K.; and
- 3.) As-built elevations for elevated structures must be certified by ground surveys as stated in this Subdivision.

f. Permitted uses, standards, and floodplain evaluation criteria

- 1.) Permitted uses in the floodplain. The following uses of land are permitted uses in the floodplain district:
  - a) Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.

- b) Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the floodplain. These uses shall be subject to the development standards in Subsection 4.F.2.) of this Subdivision and the floodplain evaluation criteria in Subsection 4.F.3.) of this Subdivision for determining floodway and flood fringe boundaries.
- c) Recreational vehicles are restricted by Subsections 4.F.3.) and 4.N. of this Subdivision.
- 2.) Standards for floodplain permitted uses.
- a) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. 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.
- b) 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 or if placed on fill to the regulatory flood protection elevation.
- c) No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.
- d) All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than 1' below the regulatory flood protection elevation and shall extend at such elevation at least 15' beyond the limits of the structure constructed thereon.
- e) All uses. Uses that do not have vehicular access at or above an elevation not more than 2' below the regulatory flood protection elevation to lands outside of the floodplain shall not be permitted unless granted by a variance by the Board of Adjustment. In

granting a variance, the board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

f) Commercial and manufacturing uses. Accessory land uses, such as yards, railroad tracks, 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 2' or be subject to flood velocities greater than 4' per second upon occurrence of the regional flood.

g) On-site sewage treatment and water supply systems: Where public utilities are not provided:

i. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

ii. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding.

Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Subsection.

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

### 3.) Floodplain evaluation

a) Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the floodplain district, the Carlton County Zoning Administrator shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the regulatory flood protection elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (technical standards and requirements for floodplain evaluation) and 6120.5700 (minimum floodplain management standards for local ordinances) shall be followed during the technical evaluation and review of the development proposal.

b) The Zoning Administrator shall submit one copy of all information required by paragraph a.), above, to the DNR Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the County. The Zoning Administrator shall notify the DNR Area Hydrologist within 10 days after a permit of manufactured home park development/subdivision approval is granted.

g. Utilities, railroads, roads and bridges in the floodplain district

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state floodplain management standards contained in Minnesota Rules 1991 Parts 6120.5000 - 6120.6200.

h. Subdivisions

1.) No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Carlton County Planning Commission for reason of flooding or inadequate drainage, water supply or sewage treatment facilities. The Carlton County Planning Commission shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

2.) In the floodplain district, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Subsection 4.F.3.) of this Subdivision. The Carlton County Planning Commission shall evaluate the proposed subdivision or manufactured home park development in accordance with the standards established in Subsection 4.F.2.) of this Subdivision.

3.) For all subdivisions in the floodplain, 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.

4.) Removal of special flood hazard area designation: 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.

i. Administration

1.) Permit required. A permit issued by the Zoning Administrator shall be secured prior to the construction, addition, or alteration of any building or structure; prior to the use of change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to excavation or the placement of an obstruction within the floodplain.

- 2.) State and federal permits. Prior to granting a permit or processing an application for a variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.
  - 3.) Certification of lowest floor elevations. 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. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the floodplain district.
- j. Variances
- 1.) A variance means a modification of a specific permitted development standard required in an official control including this Subdivision to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
  - 2.) The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Subdivision 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 counties. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation that justified the granting of the variance.
  - 3.) Variances from the provisions of this Subdivision may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this Ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the regulatory flood protection elevation. Variances may be used to modify permissible methods of flood protection.
  - 4.) The Board shall submit by mail to the Commissioner a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner within ten days of such action.
  - 5.) Appeals. Appeals from any decision of the Board may be made, and as specified in this Ordinance and Minnesota Statutes.
  - 6.) Flood insurance notice and record keeping. The Zoning Administrator shall notify the applicant for a variance that:
    - a) 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

b) 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 record shall be maintained 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.

k. Nonconformities. 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 Subdivision may be continued subject to the following conditions:

1.) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

2.) An alteration within the inside dimensions of a nonconforming use of structure is permissible provided it will not result in increasing the flood damage potential of that use of structure.

3.) The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this Subsection are satisfied. The cost of all structural alterations and additions constructed since the adoption of Carlton County's initial floodplain 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 50% of the current market value of the structure, then the structure must meet the standards of Subpart 4.F. of this Subdivision for new structures.

4.) If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 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 Subdivision. Carlton County may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this Ordinance.

l. Penalties for violation. A violation of the provisions of this Subdivision or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of a variance) shall constitute a misdemeanor.

1.) In responding to a suspected ordinance violation, the Zoning Administrator and Carlton County may utilize the full array of enforcement action 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.

2.) 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 DNR and FEMA regional office along with the County's plan of action to correct the violation to the degree possible.

3.) The Zoning Administrator shall notify the suspected party of the requirements of this Subdivision and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either:

a) 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

b) notify the responsible party to apply for an after-the-fact permit/ development approval within a specified period of time not to exceed 30-days.

4.) 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 that existed prior to the violation of this Subdivision.

m. Amendments. All amendments to this Ordinance, including revisions to the official floodplain map, shall be submitted to and approved by the commissioner prior to adoption. The floodplain designation on the official floodplain map shall not be removed unless the area is filled to an elevation at or above the regulatory flood protection elevation and is contiguous to lands outside of the floodplain. Changes in the official floodplain map must meet FEMA's technical conditions and criteria and must receive prior FEMA approval before adoption. The Commissioner must be given 10 days written notice of all hearings to consider an amendment to this Subdivision and said notice shall include a draft of the amendment or technical study under consideration.

n. Recreational vehicles. Recreational vehicles that do not meet the exemption criteria specified in Subsection 4.N.1.), below, shall be subject to the provisions of this Subdivision as specified in Subsections 4.N.3.) and 4.), below.

1.) Exemption. Recreational vehicles are exempt from the provisions of this Subdivision if they are placed in any of the areas listed in Subsection

4.N.2.), below, and further they meet the following criteria:

- a) Have current licenses required for highway use.
- b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the recreational vehicle has no permanent structural type additions attached to it.
- c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

2.) Areas exempted for placement of recreational vehicles:

- a) Individual lots or parcels of record.
- b) Existing commercial recreational vehicle parks or campgrounds.
- c) Existing condominium type associations.

3.) Recreational vehicles exempted in Subsection 4.N.1.) of this Subdivision lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the recreational vehicle or an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Subsection 4.F. of this Subdivision.

4.) New commercial recreational vehicle parks or campgrounds and new residential-type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

- a) Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation determined in accordance with the provisions of Subsection 4.F.3.) of this Subdivision and proper elevated road access to the site exists in accordance with Subsection 4.F. of this Subdivision. No fill placed in the floodway to meet the requirements of this Subsection shall increase flood stages of the 100-year or regional flood.
- b) All new or replacement recreational vehicles not meeting the criteria of a.) above may, as an alternative, be allowed if in accordance with the following provisions. 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 attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subsection 4.F.2.g.) of this Subdivision.

**Subd. H. Shoreland Management Overlay District.**

1. Statutory authorization. This shoreland management overlay district is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.
2. Establishment of Shoreland Management Overlay District. The shoreland areas identified in this Subdivision are intended to include provisions that are in addition to or overlay one or more underlying districts established in Section 4 of this Article, and over those districts shown on the official Zoning Map of Thomson Township.
3. Purpose. The uncontrolled use of shorelands of Carlton County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Carlton County.
4. Shoreland permit required. A permit is required for the construction of buildings or building additions (including related items such as decks and signs), the installation and/or alteration of individual sewage treatment systems, and grading and filling activities within the shoreland overlay district. An application for a permit shall be made to the Zoning Administrator on forms provided by the County. The application shall include sufficient information as determined by the Zoning Administrator to adequately analyze suitability of the site in question for the intended use and that all sewage produced as a result of and in relation to said intended use shall be treated in compliance with this Ordinance.
5. Notifications to the Department of Natural Resources (DNR).
  - a. Copies of all notices of any public hearings to consider variances, ordinance amendments, or conditional or interim uses under the shoreland management overlay district shall be sent to the commissioner or the commissioner's designated representative and be postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
  - b. A copy of approved amendments and subdivisions/plats and final decisions granting variances or conditional or interim uses under the shoreland management overlay district shall be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.
6. Shoreland classification system. Water bodies in Carlton County have been classified into lake and river classifications in accordance with the criteria found in Minnesota Regulations, Part 6120.330, and the Public Waters Inventory Map for Carlton County, Minnesota. The three categories of lakes are natural environment,

recreational development, and general development. The three categories of rivers present in the County are remote and forested rivers, and tributary streams.

a. The shoreland areas for the water bodies listed in this subpart shall be as defined in Article 2, Rules and Definitions, of this Ordinance and as may be shown on the Shoreland Management Overlay Map attached to the Official Zoning Map of Carlton County and the Official Zoning Map of Thomson Township.

b. The shoreland management overlay district shall apply to the shoreland areas of the following lakes classified as natural environment, recreational development, or general development by the DNR.

1.) Natural Environment Lakes

Name	Public Waters Inventory I.D. #	Name	Public Waters Inventory I.D. #
Forbay Lake	9-2	Perch Lake	9-36
Soper Lake	9-4	Rice Portage Lake	9-37
Bear Lake	9-5	Eddy Lake	9-39
Blackhoof Lake	9-6	Kohring Lake	9-42
Spring Lake	9-7	Echo Lake	9-44
Venoah Lake	9-9	Spring Lake	9-47
Hay Lake	9-10	Corona Lake	9-48
Flodin Lake	9-14	Kettle Lake	9-49
Ellstrom Lake	9-15	Jaskari Lake	9-50
Sand Lake	9-16	Dead Fish Lake	9-51
Hizer Lake	9-18	Miller Lake	9-53
Munson Lake	9-19	Merwin Lake	9-58
Crystal Lake	9-20	Cross Lake	9-62
Benfield Lake	9-21	Woodbury Lake	9-63
Lake Twenty-Nine	9-22	Long Lake	9-66
Wild Rice Lake	9-23	Mattila Lake	9-70
Unnamed	9-28	Walli Lake	9-71
Hardwood Lake	9-30	Unnamed	9-73
Cedar Lake	9-31	Unnamed	9-74
Sophie Lake	9-33	Heikkila Lake	69-846

2.) Recreational Development Lakes

Name	Public Waters Inventory I.D. #	Name	Public Waters Inventory I.D. #
Graham Lake	9-3	Hanging Horn Lake	9-38
Chub Lake	9-8	Moose Lake	9-43
Lac La Belle Lake	9-11	Coffee Lake	9-45
Torch Light Lake	9-25	Bang Lake	9-46
Bob Lake	9-26	Eagle Lake	9-57
Park Lake	9-29	Tamarack Lake	9-67
Big Lake	9-32	Cole Lake	9-68
Bear Lake	9-34	Net Lake	58-38
Little Hanging Horn Lake	9-35	Sand Lake	58-81

3.) General Development Lakes

Name	Public Waters Inventory I.D. #	Name	Public Waters Inventory I.D. #
Thomson Reservoir	9-1	Island Lake	9-60
Moosehead Lake	9-41		

c. The shoreland management overlay district shall apply to the shoreland areas of the following rivers classified as either remote rivers, forested rivers, and tributary streams by the DNR or as either a St. Louis River remote area or a St. Louis River recreational area as defined by the St. Louis River Management Plan.

1.) Remote Rivers

Name	Public Waters Inventory I.D. #	Legal Description	
		From	To
North Fork Nemadji	9-219	East section line, Sec 32, T46N, R17W	Border of Carlton Co. and State of WI in Sec 19, T47N, R15W
South Fork Nemadji	9-254	Confluence with Net River, Sec 34, T47N, R16W	Border of Carlton Co. and State of WI
Net	9-260	West Section Line, Sec 21, T46N, R16W	Confluence with S. Fork Nemadji River in Sec 34, T47N, R16W

2.) Forested Rivers

Name	Public Waters Inventory I.D. #	Legal Description	
		From	To
Kettle	9-166	State Hwy 210 Bridge, N Section Line, Sec 6, T48N, R19W	NE 1/4, Sec 7, T48N, R19W
		(Public ditch that has altered the natural watercourse)	
		SW1/4, Sec 36, T48N, R20W	Border of Carlton and Pine Counties in Sec 32/33, T46N, R20W
Moose	9-182	Outlet of Moosehead Lake in Sec 29, T46N, R19W	Border of Carlton and Pine Counties in Sec 36, T46N, R20W
Moose Horn	9-183	W Section Line, Sec 15, T48N, R18W	Inlet of Moosehead Lake in Sec 21, T46N, R19W.
Blackhoof Creek (BC)	9-234	E Section Line, Sec 30, T48N, R17W	Confluence with Nemadji River in Sec 29, T47N, R16W
Net	9-260	Border of Pine and Carlton Counties	E Section Line, Sec 20, T46N, R16W

3.) Tributary Streams

Name	Public Waters Inventory I.D. #	Legal Description	
		From Sec-Twp-Rg	To Sec-Twp-Rg
Hasty Brook (HB)	9-158	18-49-19	4-49-20
Unnamed to HB	9-159	24-49-20	14-49-20
Unnamed to HB	9-160	5-49-20	5-49-20
Tamarack River (TR)	9-161	32-49-20	31-49-21
Unnamed to TR	9-162	8-48-20	9-48-20
Unnamed to TR	9-163	33-49-20	32-49-20
Unnamed to TR	9-164	32-49-20	32-49-20
Little Tamarack River	9-165	15-49-21	7-49-21
Unnamed to KR (Kettle River)	9-167	19-48-19	18-48-19
Heikkila Creek	9-168	29-48-20	9-47-20
Unnamed to KR	9-169	8-47-20	16-47-20

Name	Public Waters Inventory I.D. #	Legal Description	
		From Sec-Twp-Rg	To Sec-Twp-Rg
West Branch Kettle River (WBKR)	9-170	18-48-21	20-47-20
Unnamed Tributary	9-171	17-48-21	17-48-21
Unnamed to WBKR	9-172	4-47-21	4-47-21
Dead Moose River	9-173	19-47-21	5-46-20
Silver Creek (SC)	9-174	32-47-21	16-46-20
Unnamed to SC	9-175	3-46-21	3-46-21
Unnamed to SC	9-176	18-46-20	17-46-20
Gillespie Brook (GB)	9-177	26-47-20	28-46-20
Unnamed to GB	9-178	13-47-20	30-47-19
Split Rock River (SRR)	9-179	31-46-21	32-46-20
Unnamed to SRR	9-180	30-46-21	30-46-21
Unnamed to SRR	9-181	36-46-21	25-46-21
Moose Horn River (MHR)	9-183	3-48-18	15-48-18
Unnamed to MHR	9-184	27-48-18	35-48-18
Park Lake Creek	9-185	29-48-18	8-47-18
King Creek (KC)	9-186	1-47-19	19-47-18
Unnamed to KC	9-187	1-47-19	1-47-19
West Branch Moose Horn River (WBMHR)	9-188	3-47-19	36-47-19
Unnamed to WBMHR	9-189	20-47-19	29-47-19
Unnamed to MHR	9-190	16-46-19	21-46-19
Portage River	9-191	5-46-18	21-46-19
Unnamed tributary	9-192	36-49-19	2-48-19
Simian Creek	9-194	10-49-18	1-49-18
Crystal Creek	9-198	17-49-16	31-49-16
Crystal Creek	9-199	1-48-17	6-48-16
Midway River (MR)	9-200	1-49-16	5-48-16
Elm Creek	9-201	2-49-16	1-49-16
Unnamed to MR	9-202	2-49-16	12-49-16
Unnamed to Unnamed	9-203	12-49-16	12-49-16
Unnamed to MR	9-204	12-49-16	12-49-16
Hay Creek	9-205	4-49-16	15-49-16

Name	Public Waters Inventory I.D. #	Legal Description	
		From Sec-Twp-Rg	To Sec-Twp-Rg
Unnamed to MR	9-206	29-49-16	33-49-16
Otter Creek (OC)	9-207	26-49-18	8-48-16
Unnamed to OC	9-209	4-48-17	10-48-17
Little Otter Creek (LOC)	9-210	11-48-18	10-48-17
Unnamed to LOC	9-211	5-48-17	7-48-17
Silver Creek (SiC)	9-212	17-48-16	15-48-16
Unnamed to SiC	9-213	29-48-16	16-48-16
Gill Creek	9-214	2-48-16	2-48-16
Little River	9-215	2-48-16	1-48-16
Mission Creek	9-216	26-49-16	36-49-16
Red River (RR)	9-217	26-48-16	30-48-15
Unnamed to RR	9-218	24-48-16	19-48-15
North Fork Nemadji River (NFNR)	9-219	33-46-17	33-46-17
Unnamed to NFNR	9-220	31-46-17	31-46-17
Unnamed to Unnamed	9-221	36-46-18	31-46-17
Unnamed to NFNR	9-222	26-46-18	25-46-18
Unnamed to NFNR	9-223	19-46-17	19-46-17
Nemadji Creek (NC)	9-224	22-46-18	9-46-17
Unnamed to NC	9-225	16-46-18	15-46-18
Unnamed to NC	9-226	16-46-18	15-46-18
Hunter's Creek (HC)	9-227	35-47-18	13-46-18
Unnamed to HC	9-228	34-47-18	35-47-18
Unnamed to HC	9-229	34-47-18	2-46-18
Unnamed to NC	9-230	7-46-17	7-46-17
Skunk Creek (SkC)	9-231	28-47-17	36-47-17
Unnamed to SkC	9-232	30-47-17	35-47-17
Unnamed to Unnamed	9-233	6-46-17	34-47-17
Unnamed to BC	9-235	30-48-17	30-48-17
Unnamed to BC	9-236	14-47-18	12-47-18
Unnamed to BC	9-237	20-47-17	27-47-17
Deer Creek (DC)	9-238	11-47-17	28-47-16
Unnamed to DC	9-239	19-47-16	20-47-16

Name	Public Waters Inventory I.D. #	Legal Description	
		From Sec-Twp-Rg	To Sec-Twp-Rg
Unnamed to DC	9-240	24-47-17	29-47-16
Rock Creek (RC)	9-241	12-47-17	24-47-16
Unnamed to RC	9-242	17-47-16	17-47-16
Unnamed to Unnamed	9-243	17-47-16	17-47-16
Mud Creek (MC)	9-244	6-47-16	18-47-15
Unnamed to MC	9-245	9-47-16	16-47-16
Unnamed to Unnamed	9-246	16-47-16	16-47-16
Unnamed to MC	9-247	10-47-16	14-47-16
Unnamed to MC	9-248	10-47-16	13-47-16
Unnamed to MC	9-249	13-47-16	13-47-16
Clear Creek (CC)	9-250	33-48-16	7-47-15
Unnamed to CC	9-251	27-48-16	3-47-16
Unnamed to CC	9-252	2-47-16	2-47-16
Unnamed to CC	9-253	1-47-16	1-47-16
South Fork Nemadji River (SFNR)	9-254	12-46-17	34-47-16
Clear Creek	9-255	29-46-17	12-46-17
Anderson Creek	9-256	26-46-17	12-46-17
Silver Creek	9-257	25-46-17	14-46-17
Stony Brook	9-258	21-46-17	11-46-17
Unnamed to SFNR	9-259	7-46-16	6-46-16
Net River (NR)	9-260	36-46-17	36-46-17
Unnamed to NR	9-261	33-46-16	32-46-16
Unnamed to NR	9-262	9-46-16	9-46-16
Unnamed to NR	9-263	4-46-16	4-46-16
Little Net River (LNR)	9-264	34-46-16	3-46-16
Unnamed to LNR	9-265	26-46-16	26-46-16
Unnamed to LNR	9-266	27-46-16	27-46-16
Unnamed to NR	9-267	11-46-16	34-47-16
Section 36 Creek (SeC)	9-268	13-46-16	36-47-16
Unnamed to SeC	9-269	11-46-16	1-46-16
Unnamed to SeC	9-270	13-46-16	36-47-16
Unnamed to SeC	9-271	1-46-16	36-47-16

Name	Public Waters Inventory I.D. #	Legal Description	
		From Sec-Twp-Rg	To Sec-Twp-Rg
State Line Creek	9-272	31-46-15	30-47-15

4.) St. Louis River

Designation	Public Waters Inventory I.D. #	Legal Description Sec-Twp-Rg
Remote	9-193	South of I-35 in the S1/2 of Sec 30 and Sec 31, T49N, R16W
Recreational	9-193	North of I-35 in Sec 18, Sec 19, and the N1/2 of Sec 30, T49N, R16W
Recreational	9-193	N1/2 of T48N, R16-15W

d. Land use district descriptions.

1.) The land use districts as delineated on the Carlton County Official Zoning Map are consistent with the goals and policies of the Carlton County Community-Based Comprehensive Plan, adopted April 2001 by the Carlton County Board, as well as being consistent with the St. Louis River Management Plan, adopted February 28, 1994, by the Carlton County Board, the Carlton County Water Plan 2002 Update, and the following provisions as established by Minnesota Rules 61120.3100:

- a) the management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, presence of significant historic sites, or any other feature likely to be harmful to the health, safety, or welfare of the residents of the community;
- b) the reservation of areas suitable for residential development from encroachment by commercial and industrial uses;
- c) the centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development;
- d) the management of areas for commercial or industrial uses which, by their nature, require location in shoreland areas;
- e) the protection of valuable agricultural lands from conversion to other uses; and
- f) the preservation and enhancement of the quality of water-based recreational use of public waters including provisions for public accesses.

2.) The land uses allowable for the shoreland management overlay district shall follow the permitted and conditional or interim uses of the underlying zoning as established in Section 5 of this Article and as delineated on the official Carlton County Zoning Map.

7. Dimensional requirements for lots within lake shoreland areas.

a. Lot area requirements. Only land above the Ordinary High Water Level (OHWL) of public waters can be used to meet the lot area requirements within the shoreland overlay district. In addition, the following standards shall apply:

1.) Riparian lots: The minimum lot size shall be as follows or the area necessary to meet the requirements of Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance, as amended from time to time. In case of a conflict, the stricter standard shall apply. Lots served with public sewer shall meet the minimum lot sizes identified below.

**Minimum Riparian Lot Area by Lake Type:**

Lot with residential structure type:	Natural Environment		Recreational Development		General Development	
	Non-Sewered	Sewered	Non-Sewered	Sewered	Non-Sewered	Sewered
	Single family	80,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Duplex	120,000 sq. ft.	70,000 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.	35,000 sq. ft.
Triplex	160,000 sq. ft.	100,000 sq. ft.	120,000 sq. ft.	60,000 sq. ft.	60,000 sq. ft.	50,000 sq. ft.
Quad	200,000 sq. ft.	130,000 sq. ft.	160,000 sq. ft.	80,000 sq. ft.	80,000 sq. ft.	65,000 sq. ft.

2.) Non-riparian lots. The minimum lot size shall be the same as the primary zoning district or the area necessary to meet the requirements of *Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance*, as amended from time to time. In case of a conflict, the stricter standard shall apply. Lots served with public sewer shall meet the standards established for riparian lots in Subsection 7.A.1.), above.

b. Lot width requirements. Lot width requirements shall be the same as the primary zoning district except for riparian lots which are illustrated below.

Lot with residential structure type:	Minimum Riparian Lot Width by Lake Type:					
	Natural Environment		Recreational Development		General Development	
	Non-Sewered	Sewered	Non-Sewered	Sewered	Non-Sewered	Sewered
Single family	200'	125'	150'	75'	100'	75'
Duplex	300'	225'	225'	135'	180'	135'
Triplex	400'	325'	300'	195'	260'	195'
Quad	500'	425'	375'	255'	340'	255'

c. Other dimensional requirements (lot depth, lot coverage, building height, and yard area setbacks) of the primary zoning district shall apply to all lots unless modified by the standards of this Subdivision. In case of a conflict, the stricter standard shall apply.

d. In addition to the standards in A. and B. above, the following minimum standards shall be met:

1.) General development lakes:

- Structure setback from OHWL 75'
- Sewered structure setback from OHWL 50'
- Structure setback from top of bluff 30'
- Elevation of lowest floor above OHWL<sup>1</sup> 3'
- ISTS setback from OHWL 100'
- Structure setback from unplatted cemetery 50'
- Front yard (street) and side yard setbacks Underlying District

<sup>1</sup>Or highest known water level whichever is higher.

2.) Recreational development lakes:

- Structure setback from OHWL 100'
- Sewered structure setback from OHWL 75'
- Structure setback from top of bluff 30'

Elevation of lowest floor above OHWL <sup>1</sup>	3'
ISTS setback from OHWL	100'
Structure setback from unplatted cemetery	50'
Front yard (street) and side yard setbacks	Underlying District

<sup>1</sup>Or highest known water level whichever is higher.

3.) Natural environment lakes:

Structure setback from OHWL	150'
Structure setback from top of bluff	30'
Elevation of lowest floor above OHWL <sup>1</sup>	3'
ISTS setback from OHWL	150'
Structure setback from unplatted cemetery	50'
Front yard (street) and side yard setbacks	Underlying District

<sup>1</sup>Or highest known water level whichever is higher.

8. Dimensional requirements for lots within riverine shoreland areas.

a. The dimensional requirements (minimum lot size, lot width, lot depth, lot coverage, building height, and yard area setbacks) of the primary zoning district shall apply to all riparian and non-riparian lots within shoreland areas except for lots within the St. Louis River area designations unless:

- 1.) modified by the standards of this Subdivision, or
- 2.) the area necessary to meet the requirements of Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance, as amended from time to time.
- 3.) Lots are served with public sewer and meet the standards in Subsection 7.A.1.), above.

In case of a conflict, the stricter standard shall apply.

b. Only land above the OHWL of public waters can be used to meet the lot area requirements within the shoreland overlay district.

c. In addition to the minimum standards of the primary zoning district, the following minimum standards shall be met:

1.) Tributary streams:

Structure setback from OHWL	100'
Sewered structure setback from OHWL	50'
Structure setback from top of bluff	30'
Elevation of lowest floor above OHWL <sup>1</sup>	3'
ISTS setback from OHWL	100'
Structure setback from unplatted cemetery	50'
Front yard (street) and side yard setbacks	Underlying District

<sup>1</sup>Or highest known water level whichever is higher.

2.) Forested rivers:

Structure setback from OHWL	150'
Structure setback from top of bluff	30'
Elevation of lowest floor above OHWL <sup>1</sup>	3'
ISTS setback from OHWL	100'
Structure setback from unplatted cemetery	50'
Front yard (street) and side yard setbacks	Underlying District

<sup>1</sup>Or highest known water level whichever is higher.

3.) Remote rivers:

Structure setback from OHW	200'
Structure setback from top of bluff	30'
Elevation of lowest floor above OHWL <sup>1</sup>	3'
ISTS setback from OHWL	150'
Structure setback from unplatted cemetery	50'
Front yard (street) and side yard setbacks	Underlying District

<sup>1</sup>Or highest known water level whichever is higher.

4.) Floor area separation: The lowest floor area of a structure shall be placed a minimum of 3' above the flood of record, if data is available. If data is not available, the lowest floor shall be placed at least 3' above the OHWL or the flood protection elevation established by a technical evaluation conducted on flood stages and flood flows. Under all three

approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules Parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation must be used for the placement of structures and other facilities.

d. Red clay areas within shorelands. The red clay areas of the St. Louis and Nemadji River basins have been identified as having significant potential for erosion. Such erosion would severely impact the streams of these areas. The definitions for red clay area bluff and red clay area bluff impact zone shall apply within the entire basins of the St. Louis and Nemadji Rivers and shall apply to the state shoreland portions of the St. Louis and Nemadji River basins areas unless the application of the state shoreland, bluff, and bluff impact zone definitions results in more restrictive building setbacks or other standards.

e. St. Louis River area designations. The following requirements shall be met for lots within the St. Louis River area designations, except for lot width which shall be the same as the primary zoning district:

1.) Standards	Remote area	Recreational area
Lot size	17 acres	4.5 acres
Lot width/frontage	600'	300'
Structure setback from OHWL	200'	150'
Shore impact zone	150'	75'
ISTS setback	150'	150'

2.) Bluff impact zone requirements. The bluff impact zone shall be the same as the red clay area bluff impact zone:

- a) The principal structure setback from the top of the bluff shall be 30 feet.
- b) No water-oriented accessory structures are permitted in the bluff impact zone.

3.) Floor area separation. Shall be the same as required for the river and stream classifications in C.4.), above.

9. Design criteria for certain structures and/or uses.

a. Residential subdivisions shall be consistent with unit densities allowed in shoreland areas. Only land above the OHWL of public waters can be used to meet lot area standards, and lot width standards must be met at both the OHWL and at the building line.

b. Subdivisions of duplexes, triplexes, and quads on natural environment lakes shall also meet the following standards:

- 1.) Each building must be set back at least 200' from the OHWL.
- 2.) The buildings must have common sewage treatment and water systems

in one location and serve all dwelling units in the buildings.

- 3.) docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
- 4.) more than 25% of a lake's shoreline can be in duplex, triplex, or quad developments.

c. Guest cottages on certain lots. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subsection 7 of this Subdivision, provided the following standards are met:

- 1.) 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.
- 2.) A guest cottage must not cover more than 700 sq. ft. of land surface and must not exceed 15' in height.
- 3.) 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.

d. Controlled access lots to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions. Controlled access lots are permissible and must meet or exceed the following standards:

- 1.) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- 2.) If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled access lot frontage requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage per stored watercraft more than six
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%
Greater than 400	5%

- 3.) 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.
- 4.) 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. The covenants or legal instruments

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, and 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.

e. Accessory structures. All accessory structures and facilities must meet or exceed the structural setback requirements of the primary zoning district except as modified below:

1.) Water-oriented accessory structures. (Amendment 27-A)

a) The structure may have the lowest floor placed lower than required if constructed of flood-resistant materials to the OHWL and electrical and mechanical equipment is placed above the OHWL. If long-duration flooding is anticipated, the structure shall be built to withstand ice action and wind-driven waves and debris.

b) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

2.) Water-oriented accessory structures not meeting the structure setback from the OHWL. Each residential lot may have one water-oriented accessory structure or facility located closer to the OHWL of public waters than the required structure setback if all of the following standards are met:

a) The structure or facility must not exceed 10' in height, exclusive of safety rails, and cannot occupy more than 160 sq. ft. in area.

b) The structure setback from the OHWL shall be a minimum of 10', except in the St. Louis River area designations, where the minimum setback shall be 30' from the OHWL.

c) The structure or facility must be treated to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

d) The height of the structure shall not be constructed 3' above the main floor level of any principal structure on the lot or adjoining lots within 200' of the proposed building site.

e) On general development and recreational development lakes, water-oriented accessory structures used solely for watercraft storage and storage of related boating and water-oriented sporting equipment may occupy an area up to 400 sq. ft. provided the maximum width of the structure is 20' as measured parallel to the shoreline. (Amendment 27-A)

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 4' in width on residential lots, or 8' in width on commercial, public open space recreational, or planned unit development properties.
- b) Landings for stairways and lifts on residential lots must not exceed 32 sq. ft. in area. Landings for stairways and lifts on commercial, public open space recreational, or planned unit development properties must not exceed 80 sq. ft. in area.
- c) Canopies or roofs shall not be 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 the lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
- f) Handicapped accessibility: 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 this Subsection are complied with in addition to the requirements of Minnesota Rules Chapter 1341.

f. Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.

1.) Commercial, industrial, public, and semipublic uses standards.

- a) Surface water-oriented 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 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 subject to the following general standards:
    - iiia.) No signs or supporting facilities for signs may be placed in or upon public waters, except that signs for safety

and navigational purposes that do not contain commercial speech may be placed in or on public waters by a public authority or under a permit issued by a County sheriff.

iiib.) Signs, not exceeding 32 square feet, may be placed, within the shore impact zone. Such signs are subject to the provisions of Article 5, Section 16 of this Ordinance, but cannot be illuminated.

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

b) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal OHWL setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2.) Agricultural use standards.

a) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Soil and Water Conservation District as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50' from the ordinary high water level.

b) Animal feedlots as defined by the Minnesota Pollution Control Agency (MPCA) must meet the feedlot standards of the Minnesota Rules 7020, as amended from time to time, pertaining to feedlots.

3.) Forest management standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Voluntary Site-Level Forest Management Guidelines and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

4.) Extractive use standards.

a) An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

b) Processing machinery must be located consistent with setback standards for structures from OHWL's of public waters and from bluffs.

- 5.) Mining of metallic minerals and peat standards. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.
- g. 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.
- h. Public and private roads and parking areas.
- 1.) 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 to the 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 alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
  - 3.) Public and private watercraft access-related parking areas must be located outside the shore impact zone. Vegetative screening and erosion control conditions of this subpart must be met. The grading and filling provisions of Subsection 10 of this Subdivision must be met.
  - 4.) All parking lots of over 50 spaces shall have a plan prepared to control runoff using Soil and Water Conservation District guidelines.
  - 5.) Roads, driveways, and parking areas shall have an area available for snow storage that will not result in rapid runoff into surface waters. Snow storage shall be outside the principal structure setback area.
10. Shoreland alterations. Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, to fix nutrients, to preserve shoreland aesthetics, to preserve historic values, to prevent bank slumping, and to protect fish and wildlife habitat. The preservation of existing native vegetation and soils shall be a management priority within shoreland impact zones. Re-vegetation with native species and replacement or re-grading of disturbed areas with native soils shall also be a priority when removal and alterations occur.
- a. Vegetation alterations and removal.
- 1.) Vegetative alteration necessary for authorized construction of structures, sewage treatment systems, stairways and landings, pathways, roads and parking areas regulated by this Subdivision are exempt from the vegetation alteration standards of this Subsection.
  - 2.) Vegetation removal is regulated within the shore, bluff, and red clay bluff impact zones.
    - a) In the shore impact zone, an area no wider than 33% of the lot width, or 40 feet, whichever is less, and no deeper than 25 feet from the OHWL, may be cleared for lake usage purposes. This area must include

the water-oriented accessory structures and facilities and other clearings for water access. All cleared areas must be stabilized with native vegetative ground cover (except exposed bedrock areas) to prevent erosion and sedimentation.

b) In the bluff and red clay bluff impact zones, one-quarter ( $\frac{1}{4}$ ) of the trees greater than 5 inches in diameter at breast height (DBH, 4½ feet above ground) and one-third ( $\frac{1}{3}$ ) of the trees or shrubs less than 5 inches DBH may be removed. The area cleared may not exceed 15% of the lot width, or 25 feet, whichever is less, and must include facilities and clearings for lake access. All cleared areas must be stabilized with native vegetative ground cover (except exposed bedrock areas) to prevent erosion and sedimentation. On properties where the shore area clearance in Subsection a.), above, has occurred, the number of trees and shrubs removed from the shore area shall count toward the allowable tree/shrub removal in this Subsection.

c) In the shore impact zone, one-quarter ( $\frac{1}{4}$ ) of the trees greater than 5 inches in diameter at breast height (DBH, 4½ feet above ground) and one-third ( $\frac{1}{3}$ ) of the trees or shrubs less than 5 inches DBH may be removed. The area cleared may not exceed 25% of the lot width, or 40 feet, whichever is less, and must include facilities and clearing for lake access. All cleared areas must be stabilized with permanent vegetative ground cover (except exposed bedrock areas) to prevent erosion and sedimentation. On properties where the shore area clearance in Subsection a.), above, has occurred, the number of trees and shrubs removed from the shore area shall count toward the allowable tree/shrub removal in this Subsection.

d) Between the shore impact zone and the building setback line, 50 % of the trees greater than 5 inches in diameter at breast height (DBH, 4½ feet above ground) and 100 % of the trees or shrubs less than 5 inches DBH may be removed.

3.) Removal in excess of the limitations in Subsection 2.), above, is allowed under the following conditions:

a) The vegetation is replaced native species or with trees, shrubs and plants that have similar or more beneficial ecological, erosion preventative, and screening values than previously presented. A re-vegetation plan demonstrating adherence to this provision shall be submitted for review and approval to the County Zoning Administrator.

b) Vegetation removal is allowed within the A-1 and A-2 primary zoning districts outside of the shore, bluff, or red clay bluff impact zone for on-going timber production and management of forest crops where the long-term intention is not to convert the area to residential, commercial or recreational uses.

4.) All vegetative alterations are subject to the following conditions:

a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

- b) All cutting is done by hand or human means and shall not be done by heavy equipment except for vegetation removal conducted under 3.) b.) above.
- c) Erosion and stormwater control methods are implemented according to guidelines of the Soil and Water Conservation District.

b. Topographic alterations/grading and filling. Permits shall be required for grading and filling activities within 300' of any lake, river or stream. However, no separate grading and filling permit shall be required for grading, filling, and excavations necessary for the construction of structures, sewage treatment systems, and driveways under other permits provided that these structures, sewage treatment systems, and driveways are constructed in a manner that complies with the requirements below.

1.) A permit for grading and filling activities shall be obtained from the Zoning Administrator for the following grading and filling activities:

- a) the movement of between 5 and 10 cubic yards of material per site within a bluff or red clay bluff zone and steep slopes provided that the standards listed in Subsection 3.) of this subpart are followed.
- b) the movement of 10 to 50 cubic yards of material per site within the shore impact zone but outside a bluff or red clay bluff zone and steep slopes provided that the standards listed in Subsection 3.) of this subpart are followed; and
- c) the movement of more than 50 cubic yards of material per site outside of the shore and bluff impact zones, provided that plans are submitted in accordance with Subsection 2.) c.) and the standards listed in Subsection 3.) of this subpart are followed.

2.) An interim\_use permit shall be required from the County Board for grading and filling activities that involve:

- a) the movement of 10 or more cubic yards of material per site within a bluff or red clay bluff zone and steep slopes; and
- b) the movement of more than 50 cubic yards of material per site within the shore and bluff impact zones.
- c) Plans for a) and b) above shall be submitted that have been prepared by a engineer, soil scientist, landscape designer, or other qualified professional that include the following information:
  - i. existing and final topography utilizing 2' contours,
  - ii. a site restoration plan showing trees to be removed and replaced, and final ground cover,
  - iii. a drainage and erosion control plan showing the type and location of erosion control measures to be used,
  - iv. a development plan showing how the re-contoured lot may be developed in a manner consistent with this Ordinance, and

- v. the plan shall be reviewed by the Soil and Water Conservation District before commencement of grading/filling activity.
  - d) For excavations in public waters where the intended purpose is connection to a public water, such as boat slips, canals, channels, lagoons and harbors, a permit for excavation may be granted after the commissioner has approved the proposed connection to public waters.
- 3.) The following permit standards shall be complied with by the applicant:
- a) The applicant shall prepare and submit a plan for review showing existing and proposed contours, erosion control plan, and final ground cover. If required, the plan shall be reviewed by the Soil and Water Conservation District.
  - b) Alterations must be designed and conducted in a manner that ensures only the smallest area of soil is exposed for the shortest time possible.
  - c) Mulches or similar materials must be used for temporary bare soil coverage and permanent vegetation established within a reasonable period of time.
  - c) Methods to minimize soil erosion and trap sediments before they reach any surface water feature must be used. Methods to trap sediments must be in place before soil disturbance begins.
  - e) Fill or excavated material shall not be placed upon/within bluffs, bluff impact zones, or steep slopes.
  - f) Any alterations below the ordinary high water level of public waters must be authorized by the Commissioner.
  - g) Alterations to topography must be accessory to a permitted, conditional or interim use and not adversely affect adjacent or nearby properties.
  - h) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the steepness of the finished slope does not exceed 3' horizontal to 1' vertical, the landward extent of the riprap is within 10' of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3'.
- c. After-the-fact alterations, noncompliance/violation of shoreland alteration standards. Any after-the-fact alterations, noncompliance or violations to the vegetative removal or topographic alteration provisions of this Section shall adhere to in the following:
- 1.) In the case of after-the-fact (as defined in Article 2, Section 2 of this Ordinance) alterations, a permit and plans shall be submitted to the Zoning Administrator in accordance with the requirements and procedures of this Section. The alteration shall comply with all standards of this Ordinance.
  - 2.) Any noncompliance or violation of this Section shall require the submittal of a restoration plan to the County that mitigates the extent of violation or noncompliance to the pre-noncompliance or pre-violation condition of the

property. The plan shall be approved by the Zoning Administrator and complied with within one year of plan submittal. The alteration shall comply with all standards of this Ordinance.

11. Stormwater Management. The following general and specific standards shall apply:

a. General standards:

1.) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

2.) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

3.) When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

b. Specific standards.

1.) Impervious surface coverage of lots shall not exceed 25% of the lot area.

2.) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the recommendations of the Soil and Water Conservation District.

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

12. Water Supply and Sewage Treatment.

a. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the MPCA.

b. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

1.) Publicly owned sewer systems must be used where available;

2.) Individual sewage treatment systems as regulated by Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance. All provisions of Carlton County Ordinance No. 30 shall be complied with including any standard that may require lot areas, widths and any other dimensional requirement that exceeds the minimum standards of this Ordinance; or

3.) Individual sewage treatment systems shall meet the setback requirements from the OHWL in accordance with the setbacks contained in this

## Subdivision.

13. Nonconformities. (Refer to Article 3, Section 8.)
14. Variance Applications in the Shoreland District. (Refer to Article 3, Section 6.)
15. Conditional or Interim Uses. (Refer to Article 3, Section 5.)
16. Planned Unit Developments. (Refer to Article 5, Section 20.)

**Subd. I. Red Clay Overlay District.**

1. Purpose. The Red Clay Overlay District is intended to establish additional setback requirements that reflect the unstable and highly erodible soil characteristics of several clayey soil associations within the Nemadji and St. Louis River basins.
2. Permitted and Conditional or Interim Uses. Permitted and conditional or interim uses include those identified within the underlying zoning districts.
3. Dimensional Requirements. As established in Section 3 of this Article.

**Subd. J. St. Louis River Overlay District.**

1. Purpose. The St. Louis River Overlay District is intended to protect the special characteristics of the St. Louis River in Carlton County. The overlay area is located primarily within the boundaries of Jay Cooke State Park and the City of Carlton.
2. Permitted and Conditional or Interim Uses. Permitted and conditional or interim uses include those identified within the underlying zoning districts.
3. Dimensional Requirements. As established in Section 3 of this Article.
4. Additional requirements are included in the St. Louis River Management Plan.

**Subd. K. Closed Landfill Restricted Overlay District.**

1. Purpose. The Closed Landfill Restricted District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit the uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place, and at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public or private ownership.
2. Permitted Uses. The following uses are permitted within the Closed Landfill Restricted Overlay District:
  - a. Closed Landfill Management.
3. Conditional or Interim Uses. Conditional or interim uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill. Any application for a conditional use must be approved by the Commissioner of the MPCA and Carlton County. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions. The following conditional or interim uses are permitted within the Closed Landfill Restricted Overlay

## District:

- a. Solar energy collection system
  - b. Wind energy conversion system
4. Dimensional Requirements. As established in Section 3 of this Article.
  5. Prohibited Uses and Structures. All other uses and structures not specifically allowed as Conditional or Interim Uses shall be prohibited in the Closed Landfill Restricted Overlay District.
  6. Any amendment to this ordinance must be approved by the Commissioner of the MPCA and Carlton County.

## ARTICLE 5. GENERAL AND PERFORMANCE STANDARDS

### Section 1. General Performance and Nuisance Standards

**Subd. A. Purpose.** The purpose of the performance standards is to establish specific and quantifiable limitations on identified types of pollution and other activities that have a potential for environmental impact and a high nuisance potential.

**Subd. B. Application.** The performance standards apply to all lands and buildings within the unincorporated areas of Carlton County. To insure compliance with these performance standards, the County Board may require the owner or operator of any nonconforming, permitted, or conditional or interim use to conduct investigations and tests to show compliance with these standards. The investigations and tests shall be carried out by an independent testing organization as may be required and selected by the County. Measurement of nuisance characteristics under performance standards shall be made at the property line of the use being measured.

**Subd. C. Landscaping.** All required yards shall either be open landscaped and green areas or be left in a natural state. Any areas left in a natural state shall be properly maintained in a well-kept condition. Yards occupied by business uses adjoining any residence or the R-1 District shall be landscaped with buffer planting screens. Plans of such screening shall be submitted for approval as part of the site plan and installed prior to issuance of a certificate of zoning compliance for the property.

**Subd. D. Noise.** Noise emanating from any use shall be in compliance with and regulated by the standards of the Minnesota Pollution Control Agency.

**Subd. E. Odors.** No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a zoning permit.

**Subd. F. Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be directed to adjacent properties or public rights-of-way.

**Subd. G. Exterior Lighting.** Any lights used for exterior illumination of off-street parking areas, signs, businesses, and other structures shall direct light away from adjoining properties and public rights-of-way.

**Subd. H. Smoke, dust and particulate matter.** No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency.

**Subd. I. Toxic or noxious matter.** Fumes or gases shall not be emitted at any point in concentrations of amount that are noxious, toxic or corrosive, and shall meet the applicable regulations established by the Minnesota Pollution Control Agency. Detailed plans for the elimination of fumes or gases may be required before the issuance of a zoning permit.

**Subd. J. Hazard.** All operations shall be carried on with reasonable precautions against fire

and explosion hazards, and shall be subject to the fire and emergency management requirements of the County.

**Subd. K. Outside storage of materials and vehicles.**

1. Excepting agricultural and forestry products, open storage of materials, products, and supplies in any required front or side yard is prohibited, unless otherwise specifically permitted in this Ordinance. Any other authorized outside storage shall be located or screened so as not to be visible from any residence or public road.
2. R-1 Recreation Residential District
  - a. It shall be unlawful for any person to store or keep more than one vehicle of a type requiring a license to operate on the public highway, but without current license, for more than one year, whether such vehicle be dismantled or not, outside of an enclosed building within the R-1 Recreation Residential District.
  - b. It shall be unlawful to create or maintain a junk yard within the R-1 Recreation Residential District.
  - c. It shall be unlawful for any person to store or keep unused appliances, electronics, scrap metal, building materials, or other debris outside of any enclosed building in the R-1 Recreation Residential District.
3. A-1 and A-2 Agriculture Districts
  - a. It shall be unlawful for any person to store or keep more than three (3) vehicles of a type requiring a license to operate on a public highway, but without current license, for more than one year, whether such vehicle be dismantled or not, outside of an enclosed building or without being screened from public roadways or adjoining properties by natural or man-made screening devices such as trees, shrubs, buildings, or fences within A-1 and A-2 Agriculture Zoning Districts.
  - b. It shall be unlawful to create a junk yard within A-1 and A-2 Agricultural Districts.
  - c. It shall be unlawful for any person to store or keep unused appliances, electronics, scrap metal, building materials, or other debris outside of any enclosed building, or without screening as specified in subsection A. above, in the A-1 and A-2 Agricultural Districts.

**Subd. L. Violations.** The conduct of any activity or use of any property that is inconsistent with the provisions of this Section is a threat to the public health, safety, and welfare and shall be considered a public nuisance. All public nuisances shall be subject to the enforcement and penalty provisions of this Ordinance. The violation of any of the following provisions shall also be considered a public nuisance.

## **Section 2. Home Occupations**

**Subd. A. Purpose.** To regulate home occupations as defined in Article 2, Section 2 of this Ordinance that are clearly secondary to the primary residential use of a home in order to minimize off-site impacts to surrounding land uses and to ensure compatibility with the environment.

**Subd. B.** No permit shall be required provided the following standards are met:

1. The home occupation shall not exceed 1/3 of the total floor area (including any attached garage) of the dwelling.
2. No more than one part-time non-resident employee shall be engaged on the property for home occupation related services.
3. No activity shall be permitted that will create a nuisance or otherwise be incompatible with adjacent residential uses.
4. No outside storage of material or equipment of the home occupation shall occur unless the storage area is screened from adjacent residential homes, public rights-of-way, and shoreland areas.
5. The existing roadway serving the property is found to be adequate by its roadway authority to support additional traffic generated by the home occupation and the traffic and access characteristics of the home occupation will not adversely affect public safety.
6. If the site conditions or nature of the home occupation generates excessive dust, appropriate control measures shall be undertaken according to the requirements of the road authority.
7. One on-site sign is allowed subject to Section 16 of this Article (requires a zoning permit).

### **Section 3. Home-based Businesses**

**Subd. A. Purpose:** To regulate home-based businesses as defined in Article 2, Section 2, of this Ordinance in order to provide alternative employment and business opportunities within the county, to minimize off-site impacts to surrounding land uses, and to ensure home-based businesses are compatible with the environment.

**Subd. B.** The following home-based businesses shall be considered permitted uses in the A-1 Agriculture/Forest Management District and the A-2 Agriculture/Rural Residential District:

1. Agriculture-related and forestry management-related businesses.
2. Greenhouses and nurseries.

**Subd. C.** The following home-based businesses shall be considered conditional or interim uses in the A-1 Agriculture/Forest Management District and the A-2 Agriculture/Rural Residential District:

1. Trucking, excavating, landscaping, construction trade, and similar contractor-type businesses.
2. Home occupations requiring more than one non-resident employee.
3. Vehicle and equipment repair businesses.
4. Lawn and garden equipment sales and service.
5. Mini storage facilities.

**Subd. D.** Home-based businesses shall be allowed subject to the following minimum performance standards:

1. The home-based business must be co-located on the property with a principal residence and the home-based business must be owned and operated by a tenant or

owner of the residence. No more than two (2) home-based businesses is permitted with any residence.

2. A separate property description may not be created for the home-based business. The principal residence and the home-based business must be co-located on the same parcel of land. In the event that more than one (1) parcel exists, a lot combination agreement or other legal mechanism must be executed to effectively combine the residential parcel and business parcel as one parcel as long as the home-based business exists.

3. A home-based business may be located wholly or partially within a structure accessory to the principal residence and may be partially located within the principal residence. Accessory structures associated with the home-based business may not exceed 6000 square feet in area. Except for greenhouses, no more than two (2) accessory buildings may be associated with any home-based business.

4. Outside storage of materials or equipment of the home-based business shall not occur unless the storage area is screened from adjacent properties, public rights-of-way, and shoreland areas. Screening shall consist of decorative fencing, berming, solid vegetative barriers, or a combination of fencing, berming, and vegetation.

5. Outside display of products for retail sale is permitted, provided the display area meets all setback requirements of the principal residence and the product display area is no greater than one hundred (100) feet in width when visible from the public right-of-way. Screening of outside display areas is required when visible from side or rear yards consistent with the requirements in Subdivision D.4. above.

6. Driveway access to home-based businesses must be adequate to support the type of business allowed. Access locations shall not be unsafe or be obscured by vegetation, topography, signage, horizontal roadway curves, or vertical roadway curves.

7. No activity shall be permitted that will create a public hazard or public nuisance or otherwise be incompatible with adjacent residential uses.

8. Home-based businesses requiring plumbing shall be consistent the provisions of Article 5, Section 9, Sanitary System and Water Well Standards.

9. Home-based businesses shall be consistent with the provisions of Article 5, Section 15, Wetland Conservation.

10. Security lighting shall be directed away from adjacent roadways and properties

11. One on-site sign is allowed subject to Section 16 of this Article (requires a zoning permit).

12. Home-based businesses shall be allowed a single advertising sign not to exceed 64 square feet in area or be located closer than ten (10) feet from any property line or roadway easement for each permitted business.

## **Section 4. Building Standards and Accessory Use Requirements**

**Subd. A. Purpose.** Building and accessory use and structure standards have been established within this Section to prevent blight, protect the general welfare and property values and to ensure compatibility with existing structure styles and designs.

**Subd. B. Residential foundations.** Single family dwellings shall be anchored securely to the ground, shall be attached to pilings, or shall be constructed on a permanent concrete or treated wood foundation forming a complete enclosure under exterior walls.

**Subd. C. Accessory uses and buildings.**

1. Accessory uses. The following accessory uses, in addition to those specified in other Sections of this Ordinance, shall be permitted if the accessory uses do not alter the character and use of the property:
  - a. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the zoning district.
  - b. Recreation, refreshment and service buildings in public parks and playgrounds.
2. Accessory buildings:
  - a. In cases where an accessory building is attached to the principle building of the property, it shall be made structurally a part of the principle building and shall comply with the requirements of this Ordinance that are applicable to the principle building of the property.
  - b. A detached accessory building shall not be closer than 5 feet to the principle building.
  - c. A detached accessory building shall not exceed 18 feet in height, except one-story steel clad, pole-type constructed accessory structures shall not be restricted in height.
  - d. A detached accessory building shall not occupy a front yard or be located within 10 feet of any other lot line, except in the case of an overhang, which may extend 3 feet into any required setback.
  - e. No accessory building shall be used for habitation.

## **Section 5. Essential Services**

**Subd. A. Purpose.** The purpose of this Section is to provide for the installation of essential services, as defined in Article 2, Section 2, of this Ordinance, such as pipelines, electrical transmission lines and substations in the County in such a manner to protect the health, safety and welfare of residents and businesses; and to coordinate the planning for essential services with existing and planned County land uses and facilities.

**Subd. B. Permit Required.**

1. The location of all essential services (except those located within road rights-of-way) in any zoning district shall be filed with the Zoning Administrator prior to commencement of any condemnation action or construction by the owner.
2. The following procedure shall be followed to obtain the required permit from the County:
  - a. The owner or owners representative shall file the following with the Zoning Administrator:

- 1.) maps indicating the location, alignment of the proposed service,
  - 2.) a narrative explaining the type of proposed service, and
  - 3.) other information as may be required by the Zoning Administrator.
- b. The maps and accompanying data shall be submitted to the County Planning Commission for review, and recommendations regarding the relationship to existing and planned land uses, highways, recreation and park areas, shorelands and any other significant feature.
- c. Following review at a public meeting, the County Planning Commission shall make a report of its findings and recommendations on the proposed essential service and shall forward the report to the County Board for consideration at its next regularly scheduled meeting.
- d. The County Board shall consider the applicants' information and the report of the County Planning Commission and shall indicate to the owner or the owner's representative its approval or modifications needed to promote consistency with this Ordinance.

**Subd. C. Time Limit.** The essential services permit shall be valid for two years from the date of issuance, unless otherwise specified by the County Board. All conditions listed in the permit shall be commenced within two years from the date of permit issuance and shall be completed within one year, unless otherwise specified.

## **Section 6. Communications Towers and Antennae**

**Subd. A. 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:

1. Facilitate provision of wireless communication services to the residents and businesses of the County;
2. Minimize adverse visual effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennae in order to reduce the number of towers needed to serve the community.

**Subd. B. Siting.** In making siting decisions for new towers, applicants should:

1. Be sensitive to the location of the tower near a densely settled residential area.
2. Be aware that the location of these facilities in shoreland areas or residential districts is not permitted.
3. Consider locations for towers on parcels that have current conditional or interim use permits in zoning districts that are primarily devoted to commercial or industrial uses or on public lands where permissible and practical.

**Subd. C. Co-location requirements.** All commercial wireless telecommunication towers erected, constructed, or located within the County shall comply with the following requirements:

1. Provide documentation of the area to be served including:
  - a. Maps demonstrating size of communication cells and search rings for the antenna location,
  - b. A narrative describing a search ring of not less than one mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available, and why they are not suitable as locations or co-locations.
  - c. A narrative explaining that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:
    - 1.) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
    - 2.) The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency engineer, and the interference cannot be prevented at a reasonable cost.
    - 3.) No existing or approved towers or commercial/industrial buildings within a one mile radius meet the radio frequency design criteria.
    - 4.) Existing or approved towers and commercial/industrial buildings within a one mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency engineer.
    - 5.) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
  - d. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one mile radius was made, but an agreement could not be reached.
  - e. Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennae and comparable antennae for:
    - 1.) at least two additional users if the tower is over 100' in height, or
    - 2.) for at least one additional user if the tower is between 60' and 100' in height.

Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying height.

- f. An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location, and that any prohibition of additional users on a tower will be considered a violation of the permit

and County policy. The agreement shall also include a statement that the property owner and/or applicant shall remove any unused or obsolete tower. The agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

**Subd. D. Tower permit conditions.** Minimum conditions on an antenna tower permit shall include but not be limited to the following:

1. An agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit.
2. The following setbacks shall be complied with:
  - a. tower structure: shall be set back a distance equal to one-half the tower height from all property lines.
  - b. accessory structures: shall be set back a minimum of 50' from all side yard and rear yard property lines
  - c. all anchoring structures: shall be set back at least 10' from all property lines.
3. Zoning permits shall be applied for by the applicant and issued before any construction is started.
4. The applicant must submit the Federal Aviation Administration report with the application for a conditional or interim use permit.
5. The applicant must obtain the Federal Communications Commission's licensure and approval as required for various communication applications. No interference with local television and radio reception will be allowed.
6. The applicant must submit proof of liability insurance.
7. The applicant must submit proof that towers and their antennae have been designed by and, following completion of construction, were inspected by a qualified and licensed professional engineer (at the applicant's expense) to conform to applicable State structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provisions of the current National Electrical Code.
8. Metal towers shall be constructed of or treated with corrosive resistant material.
9. The addition of antennae and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval.
10. All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a chain link fence with a minimum height of 6' with a locked gate.
11. All towers and their antennae shall utilize building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities within the surrounding natural setting and environment to the greatest extent possible.
12. 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.

13. Towers and their antennae shall not be illuminated by artificial means, except for camouflage purposes or the illumination is specifically required by the Federal Aviation Administration or other authority.

14. 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 without approval by the County through the zoning permit approval process.

15. All obsolete or unused towers and accompanying accessory facilities shall be removed within six months of the cessation of operations at the site unless the County Board approves a time extension. 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. Failure to remove the structure shall be cause for the County to remove the tower and associated equipment and assess the cost against the property for collection with the real estate taxes.

**Subd. E. Existing towers and antennae.** Antennae and towers in residential districts and in existence as of January 1, 1998 which do not conform to or comply with this Section are subject to the following provisions:

1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.

2. If existing 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 upon obtaining a zoning permit without otherwise complying with this Section, provided that the cost of repairing the tower to the former use, physical dimensions, and location would be less than 50% or more of its value (excluding real estate leases or property), as determined by the County Assessor. In cases where the cost of repairing the tower to the former use, physical dimensions, and location would be more than 50% or more of its value (excluding real estate leases and/or property), as determined by the County Assessor, the tower shall not be repaired or restored except in full compliance with this Section.

**Subd. F. Scenic byways.** Towers shall not be located within ¼ mile of a scenic byway.

## **Section 7. Site Plan Review**

**Subd. A. Purpose.** The purpose of the site review procedures is to protect the functioning of vital natural resources in order to protect residents and adjacent property owners from being adversely affected by development.

**Subd. B. Jurisdiction.** Site plan review is required for any development which requires a zoning permit, conditional or interim use permit, or variance in accordance with Article 3 of this Ordinance.

**Subd. C. Requirements.** The following requirements shall be met by the applicant:

1. A development plan shall identify parcel ownership and shall accurately illustrate parcel size, structure locations and sizes, structure setbacks, wetlands, lakes, rivers, and other natural features, the compatibility with the Carlton County Community-Based Comprehensive Plan, and the compatibility with adjacent land uses.

2. The site plan shall be reviewed in accordance with the requirements of Article 3, Sections 1, 5, and 6, of this Ordinance, and the County Board may require changes to any proposed site plan to reasonably protect the functioning of vital natural resources and/or to minimize impacts of the development on surrounding property owners. Important natural features to be considered in the site review include but are not limited to:

- a. Soil types not suitable for development without major soil reclamation and/or special designs (Community Development Group 4-7),
- b. Wetlands,
- c. Natural drainage course,
- d. Flood hazard areas, and
- e. Any other natural or manmade features that in the opinion of the Planning Commission could negatively affect surrounding property if disrupted by development.

**Subd. D. Enforcement.** Enforcement of the site review procedure shall be carried out in accordance with all appropriate Sections of this Ordinance, including Article 3. Any zoning or conditional or interim permits shall not be issued for a site unless the proposed use is in accordance with conditions placed upon development of the site in the site review process.

## **Section 8. Recreational Campgrounds**

**Subd. A. Purpose.** The purpose of this Section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.

**Subd. B. License Required.** No person, corporation, partnership, firm or other entity shall operate a recreational campground unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the recreational campground.

**Subd. C. Conditional or Interim Use Permit Required.** A conditional or interim use permit shall be required for the construction or operation of a recreational campgrounds. Recreational camping areas shall be restricted to the A-1, A-2, R-1, and C-1 districts. All conditional or interim uses shall be subject to the requirements of this Section and Article 3, Section 5.

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

1. The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.
2. A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
3. The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets,

urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities; source of water supply; and sewage, garbage and waste removal. A detailed description of maintenance procedures, grounds supervision and method of fire protection shall also be submitted.

4. The proposed method of lighting the structures and site, lot field, or tract of land upon which said recreational camping area is to be located.

5. Road construction plans and specifications, including the location and size of all streets abutting the site and all driveways from such streets to the recreational camping area.

6. Location, size, and characteristics of each lot.

7. Designation of the calendar months of the year which applicant will operate said recreational camping area and details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.

8. Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing and sewage disposal systems, surface drainage, electrical service, and gas service.

**Subd. D. Camping area spacing and setback requirements.** Vehicle and structure spacing requirements shall be consistent with the Minnesota Department of Health rules Chapter 4630, as amended. All campsites and structures shall be set back fifty (50) feet from all property lines or shall meet the minimum setback requirements or the underlying district, whichever is greater.

**Subd. E. Underground utilities.** All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

**Subd. F. Water supply.** The water supply system shall be consistent with the Minnesota Department of Health rules Chapter 4630, as amended.

**Subd. G. Sewage disposal.** The sewage system shall be consistent with *Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance* and Minnesota Pollution Control Agency rules.

**Subd. H. Toilet, bathing, and laundry facilities.** The schedule of facilities to be provided in central buildings shall be consistent with the Minnesota Department of Health rules Chapter 4630, as amended.

**Subd. I. Plumbing.** All systems of plumbing shall be installed in accordance with the Minnesota Department of Health rules Chapter 4630, as amended.

**Subd. J. Lighting.** All lighting shall be consistent with the Minnesota Department of Health rules Chapter 4630, as amended, and the State Electrical Code.

**Subd. K. Solid waste management.** Solid waste management shall be consistent with the *Carlton County Solid Waste Management Plan* and Minnesota Pollution Control Agency rules.

**Subd. L. Caretaker/operator duties.** A responsible attendant or caretaker shall be in charge of the recreational campground at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and records; and to keep the facilities and the equipment in a clean, orderly and sanitary condition.

## **Section 9. Sanitary System and Well Water Standards**

**Subd. A. Sanitary sewer.** All development must comply with *Carlton County Ordinance No. 30: Subsurface Sewage Treatment System Ordinance*, as amended from time to time, and any other related requirements of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

**Subd. B. Water well.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

## **Section 10. Access**

**Subd. A. Purpose.** To control and allow reasonable access to property from State, County and township roadways in order to protect the integrity of the road system within the County and to promote safety.

**Subd. B. Access to roadways.** All development that abuts public roadways shall comply with the following standards:

1. Federal interstate and major state trunk highways constructed to freeway standards: All direct access from private property is prohibited and access shall only be allowed at interchanges.
2. Minor state trunk highways, county state aid highways, county roads and other local roads and streets: All access shall be regulated by the road authority and shall not be permitted unless a driveway permit has been obtained from the road authority.

**Subd. C. Driveway access design.** Driveway access to any parcel or lot from any public roadway shall be limited to the number of driveway accesses listed in Table 1 below, unless permission has been granted otherwise by the applicable road authority. An additional driveway access shall only be granted if a unique situation caused by unusual topography, the division of property by a natural waterway, lake or stream or other similar circumstance, as determined by the road authority, would cause an undue hardship to the property.

Table 1

Zoning District	Maximum No. of Driveway Accesses	Maximum Width of Driveway Accesses
A-1 Agriculture/Forest Management	1	22 feet
A-2 Agriculture/Rural Residential	1	22 feet
R-1 Recreation Residential	1	22 feet
C-1 Commercial Recreation	2	32 feet
C-2 Highway Commercial	2	32 feet
M-1 Limited Industrial	2	32 feet

**Subd. D. Shared driveways.** Whenever possible, new commercial and industrial uses shall use driveway accesses and parking areas in combination with existing establishments to reduce the number of driveways along the minor state trunk highway and the County road system.

**Subd. E. Driveway separation distances.** (Amendment E) Driveway accesses shall meet the minimum separation distances from an adjoining driveway and street listed in Table 2 below unless modified by the applicable road authority.

Table 2

<u>Road Classification</u>	<u>Driveway Separation Distance</u>
Principal arterial	600 feet
Minor arterial	500 feet
Major collector	300 feet
Minor collector	200 feet
Local roads	150 feet
Platted streets	100 feet

### **Section 11. Parking and Loading Requirements**

**Subd. A. Purpose.** The regulation of off-street parking spaces and loading areas is intended to prevent congestion on public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for motor vehicle parking in relation with the intensity of development of property within the County.

**Subd. B.** Off-street parking and loading shall be provided and maintained in accordance with the following:

1. Minimum parking space size. Each space shall contain a minimum area of not less than 300 sq. ft., including access drives; a width of not less than 8 1/2'; and a depth of not less than 20'. Each space shall be adequately served by access drives. All parking and loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
2. Reduction and use of parking and loading space. On-site parking facilities existing at the effective date of this Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use. Required parking or loading spaces shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
3. Access. The driveway access from public right-of-way to parking and loading space shall comply with the requirements of Section 10, above, and comply with the following:
  - a. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
  - b. Vehicular access to business or industrial uses across property in the R district shall be prohibited.
4. Location of parking facilities and combined facilities. Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one or more buildings or uses in C-1 and C-2 commercial districts and in M-1 industry districts, provided that the total number of spaces equals the sum of the requirements for each building or use.

**Subd. C. Parking and loading setbacks.** 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:

1. In a C-1 or C-2 commercial district, no parking or loading space shall be located within 10' of any property line that abuts road right-of-way, or any residential or agriculture district.
2. In an M-1 district, no parking or loading space shall be located within 10' of any property line that abuts state highway right-of-way, or any residential or agriculture district except for railroad loading areas.

**Subd. D. Buffer fences and planting screens.** On-site parking and loading areas near or abutting any residence shall be screened by a buffer fence of adequate design or a planting buffer screen. The plans of such screen or fence shall be submitted for approval by the County as part of the required site or plot plan, and the fence or landscaping shall be installed as a part of the initial construction of the development.

**Subd. E. Construction and maintenance.** 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 and provide proper surface drainage that does not impact adjacent properties or roadways.

**Subd. F. Lighting.** Lighting shall be reflected away from the public right-of-way and nearby or adjacent residence or agriculture districts.

**Subd. G. Required site plan.** Any application for a zoning 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.

**Subd. H. Computing and required parking and loading spaces.** The number of required parking spaces shall comply with the following:

1. Computing requirements: In computing the number of required parking spaces, the following rules shall govern:
  - a. Floor space shall mean the gross floor area of the specific use.
  - b. Where fractional spaces would result, the parking spaces required shall be construed to be the nearest whole number.
  - c. The parking space requirement for a use not specifically listed in this Section shall be determined by the County Board upon recommendation by the County Planning Commission.
2. 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:

Use	No. of Stalls
A. Assembly or exhibition hall; auditorium; theater or sports arena.	One parking space for each four seats, based upon design capacity.
B. Automobile, trailer, marine and boat sales;	One parking space for each 500 sq. ft. of

Use	No. of Stalls
implement sales; garden supply sales; building materials sales, and auto repair.	floor area of the principal structure.
C. Automobile Service Station	Four parking spaces, plus two parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas.
D. Bowling alley	Five parking spaces for each bowling lane.
E. Churches	One parking space for each four seats, based on the design capacity of the main seating area.
F. Dwelling, one family	Two parking spaces. No garages shall be converted into living space unless other acceptable on-site parking is provided.
G. Dwelling, multiple or manufactured home park	Two parking spaces per dwelling unit, apartment unit, or manufactured home berth.
H. Golf course and clubhouse; country, swimming and tennis clubs; public swimming pools and other similar uses.	20 spaces, plus one space for each 500 sq. ft. of floor area in the principal structure.
I. Manufacturing or processing plant	One off-street parking space for each two employees on the major shift, or one off-street parking space for each 1,000 sq. ft. of gross floor area within the building, whichever is the greater, plus one parking space for each company motor vehicle when customarily kept on the premises.
J. Motel or motor hotel.	One parking space for each rental room or suite.
K. Offices, medical and dental clinics and veterinarian offices and clinics.	One parking space for each 250 sq. ft. of floor area.
L. Public buildings including administration buildings, community centers, libraries, museums, art galleries, post offices and other similar uses	One parking space for each 250 sq. ft. of floor area in the principal structure.
M. Public educational facilities or similar private facilities	Two parking spaces for each classroom.
N. Research, experimental or testing stations.	One parking space for each employee on the major shift or one off-street parking space for each 500 sq. ft. of gross floor area within the building, whichever is greater.
O. Restaurant, drive-in.	20 parking spaces or one space for each 20 sq. ft. of floor space, whichever is greater.
P. Restaurant, cafe, nightclub, tavern or bar.	One parking space for each 75 sq. ft. of customer floor area.

Use	No. of Stalls
Q. Retail stores and service establishments.	One parking space for each 100 sq. ft. of floor area.
R. Shopping and retail centers.	On-site parking shall be provided in a ratio of not less than three sq. ft. of gross parking area for each one sq. ft. of gross floor area; separate on-site parking space shall be provided for loading and unloading.
S. Storage, wholesale or warehouse establishments.	One parking space for each two employees on the major shift or one parking space for each 2,000 sq. ft. of floor area, whichever is greater, plus one space for each company motor vehicle when customarily kept on the premises.

3. Required loading areas. Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

## **Section 12. Performance Standards for Conditional or Interim Uses**

**Subd. A. Purpose.** It is the intent of the County to establish performance standards and criteria for conditional or interim uses to ensure that these uses are subject to careful evaluation to determine that their location, size, design and off-site impacts are consistent with the standards, purposes and procedures of this Ordinance and the Carlton County Community-Based Comprehensive Plan. The Planning Commission and the County Board may impose additional conditions and standards on such uses in order to achieve the purpose of this Ordinance.

**Subd. B.** In addition to meeting the requirements of Article 3, Section 5, no conditional or interim use permit shall be granted unless the County Board determines that all of the additional standards contained in this Section will be met. Additionally, a determination must be made in the following subdivisions C through H, that the street system within and serving each conditional or interim use is adequate to carry projected traffic volumes and that adequate public safety provisions can be met.

### **Subd. C. Conditional or Interim Uses in the A-1 Agriculture/Forest Management District.**

1. Airports and heliports.
  - a. Shall conform to all applicable federal and state aviation administration regulations.
  - b. Submittal and approval of a site and building plan review.
2. Dams, plants for production of electric power and flowage areas.
  - a. No application shall be submitted until all applicable state and federal licenses and permits have been attained.
  - b. Shall conform to all rules and regulations of the MnPUC and MnEQB.

- c. Submittal and approval of a site and building plan review.
  - 3. Electrical transmission lines greater than 69kv, transmission towers exceeding 60' in height, and regional pipelines.
    - a. No application shall be submitted until all applicable state and federal licenses and permits have been attained.
    - b. Shall conform to all rules and regulations of the MnPUC and other state and federal regulations.
    - c. All structures and above and below ground facilities shall be located a minimum of 500' from residential structures.
  - 4. Extractive, quarry and mine activities exceeding one acre in size.
    - a. Shall be subject to the provisions of Article 5, Section 13 of this Ordinance.
  - 5. Freestanding communication towers not exceeding 450' feet in height.
    - a. Shall be subject to the provisions of Article 5, Section 6 of this Ordinance.
  - 6. Home-based businesses shall meet the requirements of Article 5, Section 3 of this Ordinance.
  - 7. Permanent forest processing activities including sawmills, debarking and chipping facilities and yarding areas.
    - a. Submittal and approval of a site and building plan review.
  - 8. Private parks, recreational campgrounds, and recreational facilities.
    - a. The primary access shall be located on a State or County roadway.
    - b. All maintenance-related equipment shall be kept within an enclosed structure.
    - c. Submittal and approval of site and building plan review.
    - d. Recreational campgrounds shall be subject to the requirements of Article 5, Section 8.
  - 9. Solid waste disposal sites.
    - a. Submittal and approval of site plan and building plan review.
    - b. Compliance with all requirements of State and County permits.
- Subd. D. Conditional or interim uses in the A-2 Agriculture/Rural Residential District.**
- 1. Bed and breakfast homes.
    - a. No more than five bedrooms may be rented with a maximum occupancy of 10 persons at one time.
    - b. Off-street parking shall be provided with a minimum of one space per guest room and one space for the operator.
    - c. No parking shall be located than 50 feet from any adjacent residence, unless appropriately screened.

- d. One on-site sign is allowed subject to Section 16 of this Article (requires a zoning permit).
  - e. The facility shall not be used for commercial receptions, parties, etc. for other than overnight guests.
  - 2. Dams, plants for production of electric power and flowage areas.
    - a. The same standards as specified in Subsection C.2., above.
  - 3. Electrical transmission lines greater than 69kv, transmission towers exceeding 60' in height, and regional pipelines.
    - a. The same standards as specified in Subsection C.3., above.
  - 4. Extractive, quarry and mine activities exceeding one acre in size.
    - a. The same standards as specified in Subsection C.4., above.
  - 5. Freestanding communication towers not exceeding 450' feet in height.
    - a. The same standards as specified in Subsection C.5., above.
  - 6. Home-based businesses shall meet the requirements of Article 5, Section 3 of this Ordinance.
  - 7. Hospitals, convalescent or nursing homes.
    - a. No building shall be located within 50' of any lot line of an R-1 Recreation Residential District.
    - b. Submittal and approval of a site and building plan review
  - 8. Permanent forest processing activities including sawmills, debarking and chipping facilities and yarding areas.
    - a. The same standards as specified in Subsection C.7., above.
  - 9. Public buildings and facilities.
    - a. Submittal and approval of site and building plan review.
    - b. No building shall be located within 50' of any lot line of an R-1 Recreation Residential District.
  - 10. Private parks, recreational campgrounds, and recreational facilities.
    - a. The same standards as specified in Subsection C.8., above.
  - 11. Solid waste disposal sites.
    - a. The same standards as specified in Subsection C.9., above.
- Subd. E. Conditional or Interim uses in the R-1 Recreation Residential District.**
- 1. Bed and breakfast homes.
    - a. The same standards as specified in Subsection D.1., above.

2. Cemeteries.
  - a. Shall require a minimum lot size of five acres.
  - b. Submittal and approval of a site and building plan review.
3. Multiple family residential.
  - a. Submittal and approval of a site and building plan review.
  - b. Public sanitary sewer and water are available.
  - c. Adequate fire protection is available for the development and surrounding property.
  - d. A recreation area equal to 10% of the site up to ten acres in size is provided.
4. Public buildings and facilities.
  - a. Submittal and approval of a site and building plan review.
  - b. No building shall be located within 50' of any lot line of any residence.
5. Private parks and recreational facilities.
  - a. No principal structure or area designed for activity shall be located within 50' of any lot line of any residence.
6. Private parks, recreational campgrounds, and recreational facilities.
  - a. The same standards as specified in Subsection C.8., above.

**Subd. F. Conditional or Interim uses in the C-1 Commercial Recreation District.**

1. Hotels and motels.
  - a. No building shall be located within 50' of any lot line of an R-1 Recreation Residential District.
  - b. No parking shall be located between the building and any adjacent residence.
  - c. All parking and access drives shall be paved with bituminous or covered with a poured concrete surface.
  - d. Submittal and approval of a site and building plan review.
2. Private parks and recreational facilities.
  - a. The same standards as specified in Subsection C.8., above.
3. Riding academies and commercial stables.
  - a. No principle structure or area designed for activity shall be located within 50' of any lot line of an R-1 Recreation Residential district.
4. Boat slips, service and storage marinas, harbor and docking facilities.
  - a. Minimum lot size of two acres.
  - b. Submittal and approval of a site and building plan review.

- c. Parking areas and buildings shall be screened from adjacent property and the lake.
- d. Short term watercraft mooring and docking facilities shall be centralized.
- e. No signage shall be placed in or upon public waters.
- f. Exterior lighting shall be shielded to prevent direct illumination over and across public waters.

**Subd. G. Conditional or Interim Uses in the C-2 Highway Commercial District.**

- 1. Bed and breakfast homes.
  - a. The same standards as specified in Subsection D.1., above.
- 2. Retail uses over 50,000 square feet.
  - a. Submittal and approval of a site and building plan review.
  - b. The primary access shall be located on a State or County roadway.
  - c. No parking shall be located between the building and any adjacent residence unless adequate screening (landscaping and/or fence) is provided.
  - d. No outside storage or display except plant materials.
- 3. Community or regional shopping centers.
  - a. Submittal and approval of a site and building plan review.
  - b. The primary access shall be located on a State or County roadway.
  - c. No parking shall be located between the building and any adjacent residence unless adequate screening (landscaping and/or fence) is provided.
- 4. Freestanding telecommunications towers not exceeding 250' in height.
  - a. Shall be subject to the provisions of Article 5, Section 6 of this Ordinance.
- 5. Outside storage of goods and equipment associated with a business occurring within an enclosed building.
  - a. Submittal and approval of a site and building plan review.
  - b. Shall be setback a minimum of 50' from any lot line of an R-1 Recreation Residential District.

**Subd. H. Conditional or Interim Uses in the M-1 Limited Industrial District.**

- 1. Motor and railroad freight terminals and associated facilities.
  - a. Submittal and approval of a site and building plan review.
  - b. All areas of parking, taxiing, access, petroleum storage and sales shall be paved with bituminous or covered with a poured concrete surface.
  - c. All terminals and associated facilities must be on one lot or contiguous lots not separated by a public road or other use.

- d. All parking of vehicles, access drives, buildings and activity areas must be a minimum of 200' from any lot line of an R-1 Recreation Residential District.
- e. All sites shall be screened from public right-of-way and adjacent property by year-round landscaping or an opaque fence.
2. Airports and heliports.
  - a. The same standards as specified in Subsection C.1., above.
3. Extraction, processing or storage of sand, gravel, stone or other raw material.
  - a. The same standards as specified in Subsection C.4., above.
4. Freestanding communications towers exceeding 200' in height.
  - a. Shall be subject to the provisions of Article 5, Section 6 of this Ordinance.
5. Junk yards, salvage yards, and solid waste management facilities.
  - a. Submittal and approval of a site and building plan review.
  - b. The site shall not be within 500' of any lot line of property zoned R-1 Recreation Residential District.
  - c. The site shall be accessible by a paved road to the entrance of the property upon which it is located.
  - d. The site shall not be located within 50' of I-35 or any state highway.
  - e. All sites shall be screened from public right-of-way and adjacent property by year-round landscaping or an opaque fence.
6. Road maintenance shops and equipment storage areas, vehicle testing grounds and repair facilities.
  - a. Submittal and approval of a site and building plan review.
  - b. No exterior storage of unlicensed and inoperative vehicles.
  - c. Any exterior storage of roadway related materials and vehicles shall be screened from public view and adjacent properties.
  - d. All parking of vehicles, access drives, buildings and activity areas must be a minimum of 50' from any lot line of an R-1 Recreation Residential District.

### **Section 13. Gravel and Mineral Extraction Activities**

**Subd. A.** The purpose of this Section is to recognize and accommodate the continuing demand for various subsurface resources. The unregulated excavation of these resources may present conflicts with adjacent land uses and leave the landscape in an unusable state for future populations. These provisions are designed to minimize the conflicts and provide for the reclamation of the landscape.

**Subd. B. Borrow Pit.** A temporary land use involving the excavation or removal of material for fill at another site. Such use shall be for one specific use or project and is permitted in both the A-1. and A-2 zoning districts with the following provisions:

1. Where the housing density within 1/4 mile of the proposed pit site is equal to or greater than one dwelling unit per 40 acres, the operation shall require an interim use permit unless the applicant provides the Zoning Administrator with a signed statement from the owner or occupant of each residence within the 1/4 mile distance, to the effect that each one concurs with the issuance of a permit for the proposal. Such statement shall be on a form prepared and supplied by the Zoning Administrator.
2. All zoning permits issued under these provisions shall be valid for a period of time not longer than one year from the date of issuance. An additional one year extension period may be granted at the discretion of the Zoning Administrator.

**Subd. C. Other extraction activities (gravel pits).** The use of land for the removal of top soil, sand, gravel or other materials (except borrow pits) from the land is not permitted in any zoning district except by the granting of a conditional or interim use permit by the County Board.

**Subd. D. Exemptions.** Excavations and removal of sand and gravel for personal use, for road construction borrow occurring within public rights-of-way, for building construction, and other activities for which a separate permit has been issued are exempt from the regulations in this Section.

**Subd. E. Borrow pit and other extraction activity.** Applicants shall file a zoning permit/conditional or interim use permit application and map which indicates the following information:

1. Horizontal dimensions of the property described in the application;
2. Size and location of the area to be excavated;
3. All setback distances of excavation area from roads and adjacent property lines;
4. Location and setback distances of any residences within 1/2 mile of the proposed pit;
5. All roads and public easements adjoining the property;
6. Proposed routes of access to public roads from the area to be excavated;
7. Existing and proposed drainage at the pit/ extraction activity site;
8. Location and nature of existing and proposed screening surrounding the pit/extraction activity site;
9. If the applicant is not the owner of the property for which the application is submitted, the applicant shall file with the application the notarized written consent of the property owner for the work to be done on the premises, and to the issuance of a permit for said proposed work;
10. A detailed statement of the purpose and extent of the proposed work, including the volume of material to be excavated for the project.

**Subd. F. Provisions.** The following provisions shall apply to the operation and care of any pit/extraction activity authorized under the terms of this Ordinance:

1. Hours of operation shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday;
2. In each calendar year, for a maximum of twenty-one (21) consecutive days, crushers may be operated twenty-four (24) hours per day, excluding the period from 8:00 P.M. Saturday through 7:00 A.M. Monday. Written notice of the intent to operate twenty-four (24)

hours per day must be delivered to the Zoning Administrator at least ten (10) business days prior to start of extra-hour operations.

3. All clearing, excavating, stockpiling or filling from the operation shall be at least 50' from the right-of-way of any public road and 100' from any property line;
4. Existing vegetation shall remain as a screen between the site and surrounding residences and public roads;
5. The operation shall not drain directly into any public waters or wetlands without a Department of Natural Resources permit. Any drainage shall require a suitable outlet, and must conform to State erosion control practices;
6. All areas of the operation shall be adequately drained to prevent confinement of water wherever possible; no pit shall be excavated to a depth within one foot of the groundwater table unless approved as part of the conditional or interim use permit.

**Subd. G. Safety precautions for all pit/extraction activity operations.**

1. All entrances and exits shall be constructed so as not to create a traffic safety hazard and shall be signed consistent with the Minnesota Manual of Uniform Traffic Control Devices.;
2. Entrance/exit roads shall be constructed so as to minimize the view of the pit/extraction activity site from the public road wherever possible, such as the utilization of road curves, topography and existing vegetation;
3. All barriers controlling access to the pit/extraction activity site such as gates, etc. shall be utilized during the operation and shall be clearly visible to prevent safety hazards to snowmobilers and other members of the public. The use of cable, chain or similar type barriers is prohibited;
4. Dust control measures shall be utilized on non-paved routes;
5. Noise decibels, measured at the property line, shall conform to Minnesota Pollution Control Agency regulations;
6. Crushers and hot mix plants operated in conjunction with any pit shall be operated in accordance with Minnesota Pollution Control Agency standards for air pollution control;
7. When explosives are used, the permittee shall use the utmost care and take all necessary precautions not to endanger life or damage and destroy property;
8. All explosives shall be stored in a safe and secure place and all such storage places shall be clearly marked "Dangerous - Explosive";
9. The method of storing and handling explosives and highly flammable materials shall conform with current standards of the State of Minnesota;
10. A log of the time and day and personnel familiar with the work shall be kept of all blasting and a copy of said log shall be made available to the Zoning Administrator.

**Subd. H. Reclamation of borrow pits and other extraction activities.**

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

- b. At the non-working face of the project, banks shall be maintained at a slope not to exceed 2:1 (50%) except at the cessation of the extraction activities, which shall be no steeper than 3:1 (33%).
    - c. The tops of all banks shall be rounded to conform to surrounding topography.
  2. Upon depletion of any pit/extraction activity, or any face or portion thereof, the depleted portion shall be stabilized by re-vegetation, shaping or other soil erosion control methods, sufficient to prevent erosion of the walls and floor.  
Within 20 days of written notice of cessation of the pit/extraction activity operation, the Zoning Administrator shall inspect the pit/extraction activity, or any face or portion thereof, to determine areas of depletion. Within ten working days of the inspection, the Zoning Administrator shall notify the permittee, by letter, of the re-vegetation work which must be completed.
    - a. Re-vegetation shall take place within one year of depletion or cessation of the pit/extraction activity operation.
    - b. The type, quantity and manner of placement of soil erosion prevention methods shall conform to the Minnesota Department of Transportation's Standard Specifications for Highway Construction or to the Soil and Water Conservation District's Minnesota Technical Guide for Critical Area Planting.
  3. Twenty days prior to cessation of the operation, the applicant shall provide the Zoning Administrator with a reclamation plan detailing:
    - a. Concurrent reclamation activities undertaken while the pit/extraction activity was in operation including stockpiling, re-vegetation and shaping.
    - b. Those reclamation activities remaining to be done to fulfill the terms of this Ordinance.
  4. Upon cessation of the operation, all equipment shall be removed from the site within six months.

**Subd. I. Nonconforming Gravel and Mineral Extractions.** (Amendment 27-B)

1. Gravel and mineral extraction mining operations (topsoil, sand, gravel, and other materials) in existence prior to May 3, 1984 shall be considered legal nonconforming operations subject to the provisions of Article 3, Section 8 and the following:
  - a. Land contiguous to nonconforming gravel and mineral extraction operations and acquired after May 3, 1984, shall not be considered part of the nonconforming or "grandfathered" operations and shall be subject to all of the provisions of this Ordinance pertaining to gravel and mineral extraction.
  - b. No gravel and mineral extraction mining operation which has been inactive for a period of five (5) years shall continue to operate without obtaining a conditional or interim use permit and complying with Article 5, Section 13 of this Ordinance.
  - c. Inactive means that less than 100 cubic yards of material shall have been removed from the mining operation in at least one calendar year of the previous five (5) years.

- d. It is the mineral extraction facility operation owner's or operator's responsibility to provide documentation verifying that the pit has not been inactive. Verification can be in the form of surveyed cross-sections, invoices, photos, or other approved methods.
2. No legal nonconforming extraction operations in existence prior to May 3, 1984, and which are not inactive as defined in Subdivision I.1. above, shall continue to operate after March 31, 2007 unless operated in compliance with the following:
- a. Hours of operation, including crushing, shall be limited to the hours between 6:00 a.m. and 10:00 p.m., Monday through Saturday. Extraction facilities may be operated on Sundays, excluding crushing, from 8:00 a.m. to 8:00 p.m.
- b. In each calendar year, for a maximum of twenty-one (21) consecutive days, crushers may be operated twenty-four (24) hours per day, excluding Sundays. Written notice of the intent to operate twenty-four (24) hours per day must be delivered to the Zoning Administrator at least ten (10) business days prior to start of extra-hour operations.
- c. Site grading and material extraction must be setback 50 feet from all property lines and road easements. The County may waive all or a portion of the setback requirements upon written consent of adjoining property owners or abutting roadway authority. Interim slopes of all excavated areas, excluding the working face of current extraction areas, shall not exceed 2:1.
- d. Existing vegetation in setback areas shall remain undisturbed as a screen between the operation and surrounding residences and roadways. Required setback areas shall be protected from sedimentation and erosion from site grading and extraction activities, consistent with the requirements of Article 5, Section 13, Subdivision H.2.B.
- e. Crushing equipment, screeners, wash plants, and hot mix plants must be set back at least 500 feet from the nearest residence.
- f. Mining operations shall conform with the safety precautions and performance standards included in Article 5, Section 13, Subdivision G.
- g. Areas depleted of resources and not used for stock piling or processing shall be reclaimed within three (3) years of the date of adoption of this Ordinance, and thereafter annually by site grading with final slopes not exceeding 3:1 and by seeding and mulching the disturbed areas with native grasses or other vegetation sufficient to hold soil and prevent erosion, consistent with the requirements of Article 5, Section 13, Subdivision H.2.B. Extensions for site restoration may be granted by the Zoning Administrator if appropriate progress toward compliance is documented. The Board of Adjustment may consider exceptions to reclamation required in this subsection, upon findings including but not limited to the size of the unreclaimed area, the amount of time lapsed since extraction occurred, the amount of aggregate resources remaining on the site, and other potential hardships imposed on the property owner or operator.

- h. During final site restoration, the top of the slope of the finished grade may be set back 20 feet from property lines and road easements. Pre-existing areas closer than 20 feet from any property line or road easement are not required to meet the 20 feet final setback standard. Final slopes shall not exceed 3:1. All disturbed areas shall be seeded and mulched with native grasses or other vegetation sufficient to hold soil and prevent erosion, consistent with the requirements of Article 5, Section 13, Subdivision H.2.B. Mining operators must notify the Zoning Administrator prior to any final restoration work within setback areas and such final extraction and restoration must be completed within the same season the restoration was initiated. The Zoning Administrator may extend the site restoration deadline to the following season if appropriate progress toward compliance is documented and circumstances warrant such an extension.
3. This Subdivision shall not apply to a mineral extraction operation used to provide material solely for private land owned by the owner of the mineral extraction operation.

## **Section 14. Landfill Operations**

All operations shall comply with Carlton County Ordinance No. 17: Solid Waste Ordinance and the Minnesota Pollution Control Agency regulations.

## **Section 15. Wetland Conservation**

**Subd. A. Purpose.** This Subdivision is adopted to implement the Wetland Conservation Act of 1991, (Minn. Laws 1991 chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minn. Rules chapter 8420, as amended).

**Subd. B. Incorporation by reference.** This Subdivision incorporates by reference the Wetland Conservation Act and Minnesota Rules 8420. Terms used in this Subdivision that are defined in the Act or the Rules have the meanings given there.

**Subd. C. Scope.** This Ordinance regulates the draining and filling of wetlands and parts of wetlands within the unincorporated areas of Carlton County. Conflicts with other official controls must be resolved in favor of providing the most wetland protection.

### **Subd. D. Procedures.**

1. Exemption and no-loss determinations. Exemption and no-loss determinations under Minn. Rule parts 8420.0210 and .0220 shall be made by the Zoning Administrator. The administrator should seek the advice of the technical evaluation panel on questions of wetland delineation and type. The administrator's decision is final unless appealed to the Board of Adjustment within 30 days.
2. Sequencing and replacement plan decisions. Sequencing and replacement plan decisions under Minn. Rule part 8420.0520 - .0550 shall be made following the notice and time requirements, of part 8420.0230.

3. **Monitoring.** The Zoning Administrator shall assure that the replacement plan monitoring and enforcement requirements of Minn. Rule parts 9420.0600 - 0630 are fulfilled.
4. **Wetland banking.** Wetlands may be restored or created within the County for purposes of deposit in the wetland bank in accordance with Minn. Rules parts 8420.0700 - .0760. The Zoning Administrator is responsible for approving bank plans, certifying deposits, and monitoring of banked wetlands and enforcement under the rules.
5. **Appeals.** Decisions made under this Subdivision may be appealed to the Board of Water and Soil Resources under Minn. Rule part 8420.0905. (Amendment 27-F)
6. **Variances.** The Board of Adjustment may issue variances from the official controls of the County so long as the variances do not vary requirements of the Act or the Rules.
7. **Technical evaluation panel.** The County Board shall appoint a person to serve on the technical evaluation panel. The person must be a technical professional with expertise in water resources management.
8. Decisions under this Subdivision must not be made until after receiving the determination of the technical evaluation panel regarding wetland public values, location, size, and/or type if the decision-maker, the landowner, or a member of the technical panel asks for such determinations. This requirement does not apply to wetlands for which such data is included in an approved comprehensive wetland management plan per part 8420.0240.
9. **Wetland delineation.** When it is deemed a wetland boundary delineation is necessary, the property owner/developer will be responsible for the delineation.

**Subd. E. High priority areas.** Decisions regarding sequencing, replacement plans, and banking shall particularly favor preservation, restoration, and creation of wetlands in high priority areas as identified in water management plans pursuant to Minn. Rule part 8420.0350.

**Subd. F. Delegation.** The County Board may by joint powers agreement delegate to the Soil and Water Conservation district under Minn. Stat. Sections 471.59 and 103C.331, Subdivision 19, the authority to administer all or any part of this Section.

**Subd. G. Fees.** The fee schedule established by resolution of the County Board shall be used when issuing wetlands mitigation permits. The fees shall be submitted to the Zoning Administrator. If a wetlands mitigation permit cannot be issued or the mitigation does not commence within one year of the date of issuance, the fee shall be forfeited to the County.

**Subd. H. Landowner's/Contractor's Responsibilities.** A landowner or the landowner's contractor and/or agent may not drain, excavate, or fill a wetland unless the landowner, contractor, and/or has received approval of a wetland replacement plan from the County or has received a written statement from the County that a wetland replacement plan is not required.

**Subd. I. After-the-Fact Replacement.** If a landowner or the landowner's contractor and/or agent seeks approval of a wetland replacement plan after the wetland has been impacted, the County shall require that the wetland replacement be twice the replacement ratio otherwise required unless the County and enforcement authority concur that an increased ratio is not required.

## **Section 16. Sign Regulations**

**Subd. A. Purpose.** This Section is designed to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive environment within the County, and the need for effective communications including business identification. It is not the purpose or intent of this Section to regulate the message displayed on any sign. It is the intent of this Section to promote the health, safety, general welfare, and aesthetics of the County by regulating signs that are intended to provide reasonable communication to the public to achieve the following specific purposes:

1. To eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way.
2. To safeguard and enhance private investment and property values.
3. To control public nuisances.
4. To protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces.
5. To preserve and improve the appearance of the County through adherence to reasonable aesthetic principles, in order to create an environment that is attractive to residents and to non-residents who come to live, visit, work, or trade.
6. To eliminate excessive and confusing sign displays.
7. To limit hazardous or distracting signage by allowing only clear signs that provide information necessary to aid the flow of traffic to be erected in the public right-of-way.
8. To implement the County's Comprehensive Plan.
9. To encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy.

**Subd. B. General.** All signs hereafter erected or maintained must be permitted by the County, unless otherwise specified, and shall conform to the provisions of this Ordinance and any regulations of the County except:

1. Official notices or traffic, street, directional, and information signs erected by federal, state, or local government agencies; and
2. Signs in locations subject to Minnesota Statutes Chapter 173, as amended from time to time, except in cases that this Section is more restrictive.

**Subd. C. Prohibited signs.** No sign shall be erected or maintained:

1. Which purports to be or resembles an official traffic control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal; or

which obstructs or interferes with a driver's view of approaching, merging or intersecting traffic for a distance not to exceed 500 feet;

2. Which prominently displays the words "stop" or "danger";
3. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency;
4. On private land without the consent of the owner or occupant thereof;
5. On trees or shrubs, or which are painted or drawn upon rocks, other natural features, public utility poles or abandoned buildings;
6. Which can only be accessed by an interstate highway;
7. Which are structurally unsafe, in disrepair, abandoned, or discontinued;
8. Which are within the right-of-way of any public roadway, except as specifically permitted by this Section;
9. Which exceeds the maximum building height limitation of the district in which it is located. In instances where the ground floor elevation of the principal structure to which the sign pertains is below the elevation of the adjacent roadway, the sign may project above the elevation of the roadway a distance not exceeding the height of the principal structure, provided all applicable setbacks are met;
10. Which includes or displays explosives, fireworks, or any other pyrotechnical devices;
11. Which includes flashing signs, except as specifically permitted by this Section;
12. Which includes shimmering signs, except as specifically permitted by this Section;
13. Which includes audio devices, except as specifically permitted by this Section;
14. Which revolves, pivots, or otherwise moves from a normal stationary or fixed position, except as specifically permitted in this Section.

**Subd. D. Signs – No permit required.** Signs meeting the following specifications are not subject to County permitting:

1. Signs not exceeding four square feet in area that do not contain any commercial speech;
2. Flags and insignias that do not contain any commercial speech;
3. Integral decorative or architectural features of building that do not contain commercial speech, except such features which include moving parts or moving lights;

4. Signs to aid the flow of traffic on private property, which bear no commercial speech;
5. A temporary sign, not exceeding six square feet in area, displayed on property during the time that the property is for rent or for sale. Such signs must be removed within 7 days following the sale or lease of the property.
6. Pursuant to Minnesota Statutes Section 211B.045, as it may be amended from time to time, and notwithstanding other provisions of this section, signs containing non-commercial speech, not exceeding 32 square feet in area, may be displayed from 46 days before a primary election until 10 days after a general election and thirteen weeks prior to a special election until 10 days following the special election.
7. Temporary signs for one-time or special events, not exceeding six square feet in area, and, may be displayed for a maximum period of 10 days and must be removed no more than 3 days after the event. Such signs may be displayed on the same property no more than 2 times in a calendar year.

**Subd. E. Signs in the public right-of-way.** Only directional signs and other signs erected by government entities shall be allowed within the public right-of-way.

**Subd. F. Sign area and number.** Sign area includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials including border and trim but excluding structural supports.

Signs erected back to back or V-type designs shall be deemed to be one sign structure. The largest sign area on either side of the sign structure shall not exceed the allowable square footage measurements applicable to the zoning district.

For the purpose of determining the number of signs, a sign shall be considered to be a single sign structure containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign structure.

**Subd. G. On-site signs.** On-site signs within C-1, C-2 and M-1 Zoning Districts shall be limited to a maximum of three sign structures, and the total sign area must not exceed 25 square feet for each 25 linear feet of total road frontage or fraction thereof. The total sign area of all sign structures combined shall not exceed 750 square feet.

One on-site sign structure, not to exceed 64 square feet, may be allowed within A-1 and A-2 Zoning Districts for an approved permitted use or approved conditional or interim use.

One on-site sign structure, not to exceed 32 square feet, may be allowed within R-1 Zoning Districts for an approved permitted use or approved conditional or interim use.

All on-site signs allowed under this provision are subject to County permitting.

**Subd. H. Off-site signs.** Off-site signs shall be permitted uses within C-1, C-2 and M-1 Zoning Districts along all roadways, subject to County permitting. Off-site signs within C-1, C-2 and M-1 Zoning Districts shall be limited to a maximum of three sign structures, and the total sign area must not exceed 25 square feet for each 25 linear feet of total road frontage or fraction thereof. The total sign area of all sign structures combined shall not exceed 750 square feet.

Off-site signs may be a conditional or interim use within A-1 and A-2 Zoning Districts along county state aid, county, township, and platted roadways. Off-site signs within A-1 and A-2 Zoning Districts are limited to one sign structure and shall not exceed 64 square feet.

All off-site signs allowed under this provision are subject to County permitting.

**Subd. I. Spacing.** Off-site signs shall not be erected or maintained in such a place or manner as to obscure or physically interfere with an official traffic control device or a railroad safety signal or sign or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic for a distance of 500 feet.

1. No off-site sign shall be erected closer to any other off-site sign on the same side of the same roadway facing traffic proceeding in the same direction than:
  - a. 500 feet on any interstate highway or fully controlled freeway, or
  - b. 300 feet on any other highway or roadway.
2. On interstate highways or fully controlled access freeways, no off-site signs shall be erected or located adjacent to or within 500 feet of the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
3. On primary highways no off-site sign may be located closer than 300 feet from the intersection of any primary highway at grade with another highway or with a railroad, provided that sign may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than caused by the building itself.
4. No off-site sign shall be erected or maintained in or within 500 feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas, nor shall any off-site sign be erected or maintained within 100 feet of a church or school.

**Subd. J. Setbacks.** All signs shall be set back a minimum distance of 10 feet from any road right-of-way or any front, side or rear lot line.

**Subd. K. Lighting.** All signs shall meet the following requirements with respect to light and lighting:

1. No sign shall be erected or maintained that causes:
  - a. beams or rays of light that are directed at any portion of any roadway, or

- b. beams of light of such intensity or brilliance that result in glare or that impair the vision of the operator of any motor vehicle.
2. No sign shall be erected, maintained, placed, or illuminated in such a way that it interferes with the effectiveness of or obscures any official traffic sign, device, or signal, or any official sign erected by a federal, state, or local government entity.
3. Signs shall not be erected or maintained that contain, include, or are illuminated by any flashing light, electronic change in messages, electronic change in background colors, electronic change in light intensity, or electronic video display, except those giving highway public service information such as lane closures, road closures, and detours, those giving time, date, and temperature, and electronic messaging signs that meet the following requirements:
  - a. The size and location of the sign shall be consistent with all other requirements of this Section.
  - b. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display, and as otherwise provided in this Subdivision.
  - c. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for on-site signs shall not change at intervals less than eight seconds, except that on-site signs 20 square feet or less in area and which are located on roadways posted 45 miles per hour or less speed limit shall be exempt from any intervals between changes in messages.
  - d. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for off-site signs shall not change at intervals less than eight seconds.
  - e. The maximum duration of the transition of the electronic image or message change shall be no more than two seconds.
  - f. All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
  - g. Electronic messaging signs must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
  - h. Electronic messaging signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

- i. Audio speakers are not allowed with any electronic messaging sign, except as provided in subsection k. below.
- j. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
- k. Permitted electronic messaging signs, not facing public roads or residential properties and used in drive-through restaurants, gasoline stations, and similar establishments serving motorists, shall be exempt from provisions a. through e. of this subsection provided the electronic messaging sign area does not exceed eight inches in height or four feet in width or extend more than five feet above the ground. Audio speakers used in connection with signs permitted in this subsection shall not be audible beyond the property on which the sign is located.

**Subd. L. Nonconforming signs.** Any sign existing at the time of enactment of this Section, or any amendment to this Section, that does not conform to its provisions is subject to Article 3, Section 8 of this Ordinance, except that the County may require removal of a nonconforming sign that poses a hazard to the health and safety of motorists or pedestrians or under other circumstances as allowed by law.

**Subd. M. Sign alterations.** The change in sign display, maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing sign shall not be considered an enlargement, extension or structural alteration, provided that the sign does not exceed any limitation imposed by this Ordinance.

## **Section 17. Feedlots**

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

## **Section 18. Clustering Provisions**

**Subd. A. Purpose.** These clustering provisions are intended to allow flexibility in the subdivision of land in the A-1 Agriculture District and to allow residential subdivision variations that preserve land for agricultural uses, forestry management, and open space protection.

**Subd. B. Agriculture/Forest Management District.**

1. The maximum allowable conventional density allowed the A-1 District is one (1) home per 20 acres (1:20), or two (2) homes per quarter-quarter section. The minimum conventional lot size is twenty (20) acres. In order to preserve land for agricultural and forestry management purposes, a clustering provision is established to allow smaller minimum lot sizes. A maximum lot size of five (5) acres per dwelling is required in the A-1 District to guarantee the setting aside of remaining land for non-development purposes. The minimum lot size for clustered homes is two (2) acres.

2. Parcels clustered in the A-1 District must be contiguous to one another or abut each other on a common lot line or common point. Clustered parcels must abut a public road for access or be served by a common or shared recorded access easement. The access

easement shall be a minimum of two (2) rods, or thirty-three (33) feet, in width and a maximum of 2000 feet in length.

3. In any instance where a residential lot created in the A-1 District is less than twenty (20) acres, a development agreement, covenant, easement, deed restriction, or similar device approved by the County Attorney shall be recorded against the subdivided properties to declare the status of further residential development or building eligibility on the undeveloped or remaining portion of the minimum conventional twenty (20) acre parcel.

## **Section 19. Planned Unit Developments (PUD's)**

### **Subd. A. Permissible types of PUD's.**

PUD's are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Subd. H, Section 5, Article 4 of this Ordinance and the official zoning map.

### **Subd. B. Processing of PUD's.**

Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this Ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subd. E of this Section. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

### **Subd. C. Application for a PUD.**

The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
2. A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Subd. G of this Section.
3. Deed restrictions, covenants, permanent easements, or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subd. F of this Section.
4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
5. Those additional documents as requested by the Planning Commission that are

necessary to explain how the PUD will be designed and will function. 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 Subd. E of this Section.

**Subd. D. Site “suitable area” evaluation.**

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subd. E of this Section .

1. 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 (in feet), proceeding landward:

	<u>Shoreland Tier Dimensions</u>	
	<u>Unsewered</u>	<u>Sewered</u>
General Development lakes first tier	200'	200'
General Development lakes second and additional tiers	267'	200'
Recreational Development lakes	267'	267'
Natural Environment lakes	400'	320'
All river classes	300'	300'

2. 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.

**Subd. E. Residential and commercial PUD density evaluation.** The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

1. Residential PUD “base” density evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subd. G of this Section.

2. Commercial PUD “base” density evaluation:

a. 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, porches, or basements, unless they are habitable space.

b. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development  
Floor Area Ratios\*

Public Waters Classes

*Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transitional 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
1000	.108	.054	.027
1100	.116	.058	.029
1200	.125	.064	.032
1300	.133	.068	.034
1400	.142	.072	.036
1500	.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.

- c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- d. Divide the total floor area by tier computed in C. above by the average inside living area size determined in A. above. This yields a base number of dwelling units and sites for each tier.
- e. 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 Subd. G of this Section.

**Subd. F. Density increase multipliers:**

1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subd. H, Section 5, Article 4 of this Ordinance are met or exceeded and the design criteria in Subd. G of this Section are satisfied. The allowable density increases in 2. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

2. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

<u>Density evaluation tiers</u>	<u>Maximum density increase within each tier (percent)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

**Subd. G. Maintenance and design criteria.**

1. Maintenance and administration requirements.

a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

b. 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 use 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.

c. 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 purchaser.
- 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.

2. Open space requirements. Planned unit developments must contain open space meeting all of the following criteria:

- a. At least 50 percent of the total project area must be preserved as open space.
- b. 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.

c. Open space must include areas with physical characteristics unsuitable for development in their natural state, areas containing significant historic sites, or unplatted cemeteries.

d. 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.

e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

f. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.

g. 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.

h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

#### **Subd. H. Erosion control and storm water management.**

Erosion control and storm water management plans must be developed and the PUD must:

1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant.

2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency with Subd. H, Section 5, Article 4 of this Ordinance.

#### **Subd. I. Centralization and design of facilities.**

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

1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be

centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subd. H, Section 5, Article 4 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Subd. E of this Section for developments with density increases.

3. Shore recreation facilities, including but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The numbers of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

4. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

5. Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized.

6. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subd. H, Section 5, Article 4 of this Ordinance and are centralized.

#### **Subd. J. Conversions.**

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

1. 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.

2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements must include, where applicable, the following:

a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.

b. Remedial measures to correct erosion sites and improve vegetative cover and

screening of buildings and other facilities as viewed from the water.

- c. 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.

Existing dwelling unit or dwelling site densities that exceed standards in Subd. E of this Section 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.

**ARTICLE 6: EFFECTIVE DATE**

Approved and adopted this 24th day of January, 2005, by the Carlton County Board of Commissioners.

This Ordinance shall be in full force and effect on March 1, 2005, after its approval and publication as provided by law.

This Ordinance went before the Carlton County Board of Commissioners for amendments on May 12, 2015, and was adopted on the same date to incorporate Interim Use, Closed Landfill Restricted Overlay District and Amendments 27-A through 27-F. Legal notice for these amendments was published April 23, 2015 in the Star Gazette. The Public Hearing was held May 6, 2015 by the Planning Commission.

This Ordinance went before the Carlton County Board of Commissioners for amendments on November 14, 2017, and was adopted on the same date to amend Article 5, Section 16 Sign Regulations and remove Article 5, Section 17 Wind Energy Conversion Systems, of Carlton County Zoning Ordinance #27. Legal notice for these amendments was published October 19, 2017, in the Star Gazette. The Public Hearing was held November 1, 2017 by the Planning Commission. These amendments shall be in full force and effect on December 1, 2017, after its approval and publication as provided by law.

/s/ Gary E. Peterson  
Gary Peterson, Board Chair

ATTEST:

/s/ Paul G. Gassert  
Paul G. Gassert, County Auditor



**A000477755**

**OFFICE OF THE COUNTY RECORDER  
CARLTON COUNTY, MINNESOTA**

**CERTIFIED, FILED, AND/OR  
RECORDED ON**

**11/28/2017 1:17 PM**

**REC FEES: 0.00**

**PAGES: 129**

**KRISTINE BASILICI**

**CARLTON COUNTY RECORDER**

Well Cert Rec'd  Not Rec'd   
ISTS Rec'd  Not Rec'd

BY JMC Dep

**A000477755**

**CARLTON COUNTY ZONING DEPARTMENT  
CARLTON COUNTY COURTHOUSE**

**CARLTON, MN 55718**