

# SECTION 17 - GENERAL DEVELOPMENT REGULATIONS

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## Subdivision 1: Sign Regulations

All signs hereafter erected or maintained, except official, public traffic and street signs shall conform with the provisions of this Subdivision and any other ordinances or regulations of Sherburne County.

### 1. General Sign Provisions

- A. Unless otherwise provided by this Section, all signs shall require permits. No permit is required for the maintenance of a sign or for a change copy on printed, or changeable copy signs.
- B. Prohibited signs: The following types of signs are prohibited in all districts:
  - 1. Abandoned signs which no longer identify or advertise a bona fide business, service, product, or activity or for which no legal owner can be found;
  - 2. Signs imitating or resembling official traffic or government signs or signals;
  - 3. Signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way;

4. Signs placed on vehicles or trailers which are parked or placed for the primary purpose of displaying said sign except for portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;
  5. Signs suspended beneath a canopy, overhang, roof, or marquee without a minimum clearance from grade of eight (8) feet in a vehicular way or seven (7) feet in a pedestrian way;
  6. Any roof sign or sign erected above the roof line of a building;
  7. Any sign placed that may obstruct motorist or pedestrian visibility;
  8. Rotating, flashing or animated signs;
  9. Unsafe/dangerous signs.
- C. Signs Not Requiring Permits: The following types of signs are exempt from permit requirements but must otherwise be in conformance with all requirements of this section:
1. On-premise construction signs having a sign area of sixty-four (64) square feet or less;
  2. On-premise directional/informational signs having a sign area of four (4) feet or less;
  3. Holiday decorations;
  4. On-premise nameplates having a sign area of four (4) square feet or less;
  5. Political signs, on-premise private sale or on-premise event signs;
  6. On-premise real estate signs having a sign area of six (6) square feet or less.
- D. Maintenance: All signs shall be properly maintained including the ground around the sign. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced on conforming signs. The Zoning Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- E. Lighting: Unless otherwise specified by this Section, all signs may be illuminated. However, no sign regulated by this Section may utilize flashing or revolving beacon lights. Lighting shall be directed away from road right-of-ways and adjacent dwellings.
- F. Changeable Copy: Unless otherwise specified by this Section, a sign may use manual or automatic changeable copy.

2. **Regulation of Signs by Zone**

- A. Signs Permitted in all Zones: The following signs are allowed in all zones:
1. All signs not requiring permits as set forth in paragraph 3 (C) of this Section;
  2. One (1) on-premise temporary combination area identification, construction and real estate sign not to exceed ninety-six (96) square feet in sign area or fifteen (15) feet in height.
  3. One (1) on-premise attached nameplate per occupancy, not to exceed four (4) square feet in sign area;
  4. Political signs are permitted in any zone. Such signs shall be consistent with State Statute. Political signs may be placed only on private property and only with the permission of the property owner. Such signs shall not be illuminated;
  5. On-premise Directional/Informational signs not to exceed (4) square feet per sign in sign area.
- B. Signs permitted in Agricultural, Rural Residential, Scenic River, Recreational River and Shoreland Zones:
1. All signs permitted in paragraph 4A of this section;
  2. One (1) permanent area identification sign per neighborhood, subdivision, or development, not to exceed thirty-two (32) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies.
  3. For permitted nonresidential uses, such as churches, synagogues, and schools, one (1) on-premise freestanding sign and one (1) wall business sign not to exceed ninety-six (96) square feet in total sign area;
  4. Any combination of on-premise freestanding and wall mounted real estate signs for model homes having a combined total sign area not to exceed thirty-two (32) square feet. Freestanding signs for model homes shall have a maximum height of five (5) feet.
  5. Agricultural crop demonstration signs having a sign area of six (6) square feet or less.
- C. Signs permitted in Commercial, Industrial and Heavy Industrial Zones:
1. All signs permitted in paragraph 4A of this Section;

2. One (1) permanent area identification sign per subdivision or development, not to exceed sixty four (64) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies;
3. One (1) free standing on-premise sign not to exceed one hundred sixty four (164) square feet. Such signs may not exceed a maximum of forty (40) feet in height."
4. One (1) on-premise business wall sign per premise, not to exceed one (1) square foot of sign area for each linear foot of building frontage up to a maximum of one hundred twenty eight (128) square feet;
5. Off-premise advertising signs shall be permitted subject to the following requirements:
  - a. Off-premises signs are prohibited within three hundred (300) feet of the intersection of the highway right-of-way and any other right-of-way or driveway.
  - b. Advertising signs are prohibited within one thousand two hundred (1,200) feet of another advertising sign on the same side of the right-of-way.
  - c. All advertising signs shall be erected with a single pole or mono-pole structural standard and shall have underground wiring.
  - d. The base of any advertising sign must be landscaped with at least grass and must be properly maintained.
  - e. Advertising signs shall not exceed four hundred (400) square feet in area nor twenty-five (25) feet in height as measured perpendicularly from the height of the highest point of the sign structure to the grade level directly below the sign. The existing grade may not be altered for the purpose of increasing sign height.
  - f. Advertising signs shall be considered a principal use of the property. Existing advertising signs must be removed when the parcel upon which they are situated is devoted to another principal use.
  - g. The County shall perform a yearly inspection of the advertising devices to ensure compliance of said advertising structure with the provisions of this section and other provisions of this Ordinance.

The fee for said inspection shall be set by the Board of Commissioners by resolution from time to time.

- h. Such advertising signs shall only be allowed in zoned property adjacent to right-of-way for State Highways number 10, 169, 25 and 24.

D. Nonconforming Signs:

- 1. Nonconforming Signs: Existing signs which do not conform to the specific provisions of this Section may be eligible for the designation "Legal Non-conforming" provided that:
  - a. The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public.
  - b. The sign was authorized by a valid permit and constructed in compliance with all applicable laws prior to the date of adoption of this ordinance.
- 2. A legal non-conforming sign may lose this designation if the sign is relocated, replaced, altered or damaged by more than fifty percent (50%).

**Subdivision 2: Parking and Loading Regulations**

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinance or regulations of Sherburne County.

- 1. **Minimum Size Regulations:** Each space shall have a width not less than 9 by 18 feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- 2. **Reduction and Use of Parking and Loading Space:** On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
- 3. **Computing Requirements:** In computing the number of such parking spaces required, the following rules shall govern:

- A. Floor space shall mean the gross floor area of the specific use.
  - B. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
  - D. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.
4. **Buffer Fences and Planting Screens:** On-site parking and loading areas near or abutting residence of residential district shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as part of the initial construction.
5. **Access**
- A. Parking and loading space shall have proper access from a public right-of-way.
  - B. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
  - C. Vehicular access to business or industrial uses across property in any residential district shall be prohibited.
6. **Location of Parking Facilities and Combined Facilities:**
- Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one or more buildings or uses in Commercial or Industrial Districts, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
7. **Construction and Maintenance:**
- A. In the Commercial and Industrial Districts, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage, as required by the County Engineer.
  - B. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
8. **Lighting:** Lighting shall be reflected away from the public right-of-way and nearby or adjacent residences.

9. **Required Site Plan:** Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.
  
10. **Required Number of On-Site Parking Spaces:** On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:
  - A. Assembly or exhibition hall, auditorium, theater or sports arena - One parking space for each three seats.
  - B. Churches - One parking space for each four seats, based on the design capacity of the main seating area.
  - C. Bowling alley - Five parking spaces for each bowling lane.
  - D. Convenience food restaurant - At least 2 parking spaces for each table.
  - E. Elderly Persons' Housing - Area equal to one parking space per dwelling unit must be reserved. Only one-half space per dwelling unit must initially be developed, however. Said number of spaces can continue until such time as the governing body determines the additional parking space is needed.
  - F. Grocery store - Seven spaces per 1,000 square feet of floor area.
  - G. Manufacturing plant - One space for each employee on the major shift plus one space for each company vehicle when customarily kept on the premises.
  - H. Medical and dental clinics and animal hospital - Three parking spaces for each doctor.
  - I. Motel - One parking space for each rental room or suite plus one space for every ten units and one additional space for each employee on the major shift, plus additional spaces as may be required herein for related uses contained within the principal structure.
  - J. Multiple dwelling or mobile home park - A minimum of two off-street parking spaces per dwelling unit for residents' use plus a minimum of one-half off-street space per dwelling unit for visitors' use. The driveway in front of a garage may not be counted as a parking space.
  - K. Office buildings - One parking space for each 250 square feet of floor area.

- L. Restaurant, cafe, nightclub, tavern or bar - One parking space for each 75 square feet of customer floor area.
  - M. Retail stores and service establishments - Five spaces per 1,000 square feet of floor area.
  - N. Single family dwelling - Two parking spaces. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
  - O. Shopping Center - Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than five spaces per 1,000 square feet of gross floor area.
  - P. Warehouse - One parking space for each two employees on the major shift or one parking space for each 2,000 square feet of floor area, whichever is greater, plus one space for each company vehicle when customarily kept on the premises.
11. **Required Loading Areas:** Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

### **Subdivision 3: Performance Standards**

It is the intent of this Subdivision to provide that uses of land and buildings in all Commercial or Industrial Districts shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

#### **1. Standards:**

- A. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
- B. **Odors.** Odors from any use hereafter begun shall not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do not result in greater degree or odors. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
- C. **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.
- D. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.



- E. **Vibration.** Vibration shall not be discernible at any exterior property line to the human sense of feeling for three minutes or more duration in any one hour.
  - F. **MPCA Requirements:** Any use established, enlarged, or remodeled after the effective date of this ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the omission of smoke or other particulate matter.
  - G. **Fumes or Gases.** Fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
  - H. **Hazard.** Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
  - I. **Sewer & Water.** Any use established, enlarged, or remodeled after the effective date of this ordinance requiring private sewer and water systems must have adequate site conditions for such facilities to ensure public health. Site conditions such as soils, groundwater quality and quantity and other applicable conditions shall be considered.
2. **Compliance:** In order to insure compliance with the performance standards set forth above, the Board of County Commissioners may require the owner or operator of any permitted or Conditional Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the County.

**Subdivision 4: Exceptions to Height and Setback Regulations**

1. **Exceptions to Height Limits:**

- A. Except as hereafter provided, the maximum height limitation for structures within Sherburne County will be 200 feet.
- B. Structures in excess of 200 feet shall be permitted if there is accompanying the building or other permit application or filing, a letter of clearance from the Federal Aeronautics Administration.
- C. All other modifications of height restrictions shall be by Variance (Sec 18, Subd 3).
- D. Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

- E. Height limitations set forth elsewhere in this Ordinance may be increased by 100 percent when applied to the following:
  - 1. Monuments
  - 2. Flag poles
  - 3. Cooling towers
  - 4. Grain elevators
  
- F. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
  - 1. Church spires, belfries or domes which do not contain usable space
  - 2. Water towers
  - 3. Chimneys or smokestacks
  - 4. Radio or television transmitting towers
  - 5. Utility poles and towers.

2. **Exceptions to Setback Regulations:**

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- A. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four feet, six inches.
  
- B. Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches.
  
- C. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three feet, six inches may be placed around such a place.
  
- D. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
  
- E. A wall, fence or hedge may occupy part of the required front, side or rear yard.
  
- F. On double frontage lots, the required front yard shall be provided on both streets.

- G. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a road or public road by obscuring the view.
- H. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running along the side road lines between the road intersection and a point 50 feet from the intersection, and the third side of which is the line between the latter two points.

**Subdivision 5: Yard Landscaping**

In the Commercial or Industrial Districts, all required yards shall be either open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in an attractive and well-kept condition. Yards adjoining any residence or residentially zoned property shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the application for building permit and installed as a part of the initial construction.

**Subdivision 6: Controls during Construction**

The following procedures shall be followed during site alteration or building construction:

1. **Erosion Control:** Soil erosion shall be limited through by staking hay bales on slopes, around lakes, wetlands, steams and ditches; by sodding or seeding and mulching uncovered earth as soon as practical; by grading in stages so as to minimize the time earth is uncovered; by not grading steep slopes; and by minimizing the area where groundcover is removed.
2. **Nuisance Control:** Noise that would disturb neighbors shall be minimized by not performing noisy work during early morning or evening hours or on weekends. Good judgement should be exercised by builders and County staff in this matter. Also, reasonable appearances shall be maintained by eliminating blowing litter and by considerate storage of building materials and equipment.

**Subdivision 7: Exterior Storage of Materials**

In any Commercial or Industrial Districts, open storage of materials or goods in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened from view from any public street or residence with landscaping, berming and/or fencing.

**Subdivision 8:            Accessory Structures**

1.     On parcels less than 5 acres, a detached accessory structure not over 25 feet in height (from the ground floor to the highest point shall occupy not more than thirty percent of the area of any rear yard, providing further that no detached accessory structure shall be located within any rear lot line. On parcels 5 acres or more, the height restriction is 35 feet.
2.     A detached accessory structure shall not be designed for living quarters and shall not occupy the only land available for sewer system replacement.
3.     Detached accessory structures are limited to the following sizes:

Less than 2.5 acres	Maximum 1,200 square feet
2.5 to 4.9 acres	Maximum 1,800 square feet
5 acres or more	No size limit. Must not conflict with other zoning regulations.

4.     The total area of detached accessory structures shall not exceed 3,000 sq. ft. per lot within the Agricultural and General Rural Districts on platted lots of any size, and non-platted lots less than 5-acres in size.

**Subdivision 9:            Non-Conforming Buildings, Signs, Sewage Systems or Other Uses**

1.     **Existing Uses.** Any use of lands or structures, lawfully existing as of the date this Ordinance was adopted, may be continued only at the same size and the same manner of operation existing upon such date except as hereinafter specified.
2.     **Damaged Uses.** No building or structure that has been damaged by fire, explosion, act of God or the public enemy to the extent or more than fifty percent of its value shall be restored except in conformity with the regulations of this Ordinance.
3.     **Discontinued Uses.** In the event that a non-conforming use of any building is discontinued or its normal operation stopped for a period of one year, the use of same shall thereafter conform to the regulations of the District in which it is located.
4.     **New Non-Conforming Uses.** When any lawful non-conforming uses has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
5.     **Sewage Treatment Systems.** A sewage treatment system not meeting the requirements of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. A sewage treatment system not meeting the requirements of this ordinance must be upgraded prior to property transfer or registration of a contract for deed.

6. **Non-Conforming Lots of Record.** On non-conforming lots of record, where the normal setbacks from the public road or rear lot line can not be met, an administrative exemption may be granted by the Zoning Administrator under the following conditions:
- a) If there are structures on the adjacent lots that are also closer than the required setback and the proposed structure will be no closer to the road or property line than the structures on adjacent lots;
  - b) If the proposed structure is not located any closer than 50' from the centerline of the road;
  - c) If the proposed project meets all other structure, sewer and well setbacks;
  - d) If the project meets building and drainage policies;
  - e) If the public road is not a County Road, County State Aid Highway, or a U.S. Highway;
  - f) And if the proposed project can meet any other conditions deemed reasonable by the Zoning Administrator and Building Official.

**Subdivision 10: Calculating Lot Sizes**

When calculating a lot size, non-lake wetlands and public road easements may be included but dedicated public road rights-of-way may not, unless in a Simple Plat. Property beneath the normal high-water elevation of a lake recognized by the Minnesota Department of Natural Resources and property within the meander line of a stream may not be included.

**Subdivision 11: Tree and Woodland Preservation**

1. Developers, contractors and homeowners shall prevent the introduction and spread of tree disease into wooded building sites, and to reduce the impacts of construction on those and adjoining properties. Developers, contractors and subcontractors shall use construction practices which protect trees to be saved, and shall properly remove and dispose of diseased or damaged trees.
2. Developers proposing new residential subdivision areas with oak woods are required to schedule an on-site inspection with the County Forester for diagnosis of existing oak wilt infection centers on the property. If oak wilt is found, the developer must take appropriate suppression efforts before construction begins on the property.

**Subdivision 12: Building in Fire Prone Areas**

1. The solid portion of a conifer stand shall be removed for a distance of thirty (30) feet around the perimeter of the building. Single, well spaced trees may be left in this buffer area.

2. An alternate, passable driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire, and allow for entrance and movement of emergency equipment.
3. Building construction materials shall conform to reflect the relative fire danger of the area. Roofs and exteriors of buildings should be of fire resistant nature.

### **Subdivision 13: Compliance with Wetland Conservation Act Regulations**

#### **Definitions for purposes of this Subdivision**

Decisions – formal action by Zoning Staff to approve, approve with conditions or deny formal applications or requests including, but not limited to typing, boundary determination, exemption, no-loss, replacement plan, banking plan, sequencing and excavation plan.

De minimis – maximum wetland impacts allowed before wetland replacement is required.

Impact – direct and/or indirect change to a wetland, including but not limited to draining, excavating or filling.

Zoning Staff – Zoning Administrator, Assistant Zoning Administrator and/or Environmental Specialist.

#### **Overview**

Landowners and/or applicants must obtain a wetland exemption certificate, no-loss certificate, wetland replacement approval, or wetland excavation permit prior to impacting a wetland. The application with required fees must be submitted to the Sherburne County Zoning Department and processed as per the Minnesota Wetland Conservation Act.

A landowner and/or applicant may impact a wetland under the precise conditions as stated in the wetland exemption certificate, no-loss certificate, wetland replacement plan approval letter or wetland excavation permit.

Side slopes of excavated, filled or created wetlands shall not be steeper than 5:1 (horizontal to vertical) as averaged around the wetland unless otherwise approved by the Technical Evaluation Panel.

Each property is allowed one de minimis. When the total impact to wetlands on a property meet or exceed de minimis, no future impacts are exempt. Sale, transfer or subdivision of the property does not negate past impacts for purposes of de minimis. If a portion of de minimis was used prior to subdivision, the remainder as determined at the time of subdivision may be split among the resulting properties.

If no de minimis is available to resulting properties, the developer's agreement shall read "No wetland impact is allowed without a wetland replacement plan approved by the local Government Unit. Call Sherburne County Zoning for details."

### **Decisions**

The Sherburne County Board of Commissioners delegates Zoning Staff to make all necessary wetland decisions pursuant to the requirements of the Minnesota Wetland Conservation Act. Zoning Staff may defer wetland decisions to the Sherburne County Board of Commissioners.

Wetland boundary or type determinations are valid for five (5) years unless the Technical Evaluation Panel determines that the natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Wetland exemptions are valid for two (2) years.

All landowners and/or applicants for any permit or variance request must have all applicable wetland approvals prior to being scheduled for a public hearing with the Sherburne County Planning Commission.

### **Appeals**

Pursuant to MN Statute 103G.2242. Subd 9, appeal of a replacement plan, sequencing, exemption, wetland banking, wetland boundary or type determination, or no-loss decision may be obtained by mailing a petition and payment of a filing fee to the Minnesota Board of Water and Soil Resources.

Pursuant to MN Statute 103G.2242. Subd 9a, a landowner or other responsible party may appeal the terms and conditions of a restoration or replacement order within 30 days of receipt of written notice of the order to the Minnesota Board of Water and Soil Resources.

### **Wetland replacement and enforcement**

A landowner and/or applicant required to restore or create a wetland must escrow funds with Sherburne County in an amount set in the County fee schedule as amended.

Annual monitoring reports must be completed by the landowner and/or applicant and submitted by September 15<sup>th</sup> of each year. If an annual monitoring report is incomplete or not submitted by September 15<sup>th</sup>, Zoning Staff or its delegate may complete the monitoring report for the landowner and/or applicant and charge time and mileage to the landowner and/or applicant, paid from the escrowed funds.

Zoning Staff will monitor all replacement wetland sites annually to ensure progress is being made, and to ensure Zoning Staff has adequate information to complete a monitoring report should the need arise.

If an as-built is incomplete or not submitted as required, Zoning Staff may hire a surveyor to complete the work for the landowner and/or applicant at the landowner and/or applicant's expense.

Payment will be taken from the escrowed funds. If the escrowed funds are insufficient to complete the work, the landowner and/or applicant shall be liable for any additional funds due and owing.

**Subdivision 14: Swimming Pools and Spas**

Construction or alteration of swimming pools, wading pools, and spas requiring a building permit, shall comply with the following regulations;

1. All below ground swimming pools and above ground pools holding over 5,000 gallons of water or with a flood rim or deck of at least 48” above the adjacent ground elevation require a building permit.
2. All pools or spas requiring a building permit shall be enclosed and/or fenced, or covered with an automatic pool cover when not in use.
3. Fencing shall be a minimum height of 48” above the adjacent grade elevation and must have self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices for when the pool is not in use.
4. Automatic pool covers shall meet the standards of F1246-91 (reapproved 1996) of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded, or replaced by ASTM.
5. An above ground pool with a flood rim or deck of at least 48” above the adjacent ground elevation may be considered enclosed. In this case, ladders and/or stairs used to access an above ground pool shall be removable or enclosed, and secured or locked when not in use.
6. Fencing shall be chain link, vertical pickets or solid. Spaces between the bottom of the fence and the ground or between the pickets shall not exceed four inches.
7. Fencing or automatic pool covers must be installed prior to final inspection and filling the pool with water.
8. All pool and/or spa related chemicals shall be stored inside the home or an accessory structure.

**Subdivision 15: Grading, Filling Excavating Temporary**

1. A permit shall be required for all land disturbing activities involving the grading, filling or excavation of an amount of soil or other material greater than 500 cubic yards and less than 100,000 cubic yards. The purpose of this subdivision is to allow for a one-time project



with a duration of less than one year. Only one permit may be issued for any property within the County under this subdivision. The permittee shall comply with the terms and conditions of the Permit and the standards contained in this subdivision.

2. A complete Land Use Permit application provided by the Zoning Department, shall be submitted along with the required fees and the following information;
  - A. A copy of the Storm Water Pollution Prevention Plan (SWPPP) prepared for the MPCA NPDES Phase II Permit Program for activity associated with the project;
  - B. Copies of permits or permit applications or approvals relating to the project that may be required by any other governmental entity;
  - C. A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a proposed schedule for completion of construction; and
  - D. The applicable fee as set forth in the Sherburne County Fee Schedule.
3. Projects involving grading, filling or excavating more than 10,000 cubic yard must meet the requirements for Mining under Section 16.2 , Subdivision 5 of this Ordinance, unless exempted by the Zoning Administrator.
4. Projects that are located in Floodplain, Shoreland and Mississippi Recreational & Scenic District or that meet the State's thresholds for a Mandated Environmental Assessment Worksheet or Environmental Impact Statement, an Interim Use Permit is required for Mining under Section 16.2, Subdivision 5 of this Ordinance.
5. Approval Process:
  - A. Upon receiving an application the Zoning Department shall determine if the application is complete and whether the application is in compliance with the standards which are identified in the Minnesota Pollution Control Agency's NPDES Phase II construction site stormwater permit and the provisions of this ordinance.
  - B. If the Zoning Administrator determines that there is need for an outside engineer to review the application, the applicant shall be responsible for the cost, through performance surety.
  - C. The permit may be denied if the Zoning Administrator determines that the project may result in a substantial environmental impact or adverse impact on surrounding properties.

4. Permit Conditions:

Sherburne County Zoning Ordinance  
Regulations

Sec 17 General Development

- A. The SWPPP shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Permanent stormwater components of the plan shall be maintained in perpetuity.
  - B. The permittee(s) is responsible for successful completion of the SWPPP.
  - C. The permit shall contain restoration and remediation standards so that the property is left in a nuisance-free condition.
  - D. The permittee(s) shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
  - E. Application for a permit shall constitute express permission by the permittee(s) for the Sherburne County Zoning Department to enter the property for purposes of inspection or enforcement. The application form will contain a prominent provision advising the applicant and landowner of this requirement.
  - F. Hours of Operation 7:00 AM – 7:00 PM Monday through Saturday.
  - G. The permit may designate a specific haul road/access road for the project and may be conditioned on the permittee entering into a road restoration agreement with the applicable road authority before any work may commence.
  - H. Processing machinery and excavation must comply setback standards for structures from ordinary high water levels of public waters and from bluffs.
  - I. Mining shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.
  - J. No more than 100,000 cubic yards may be graded, filled and/or excavated pursuant to the permit.
  - K. The project, including any restoration and remediation activity shall be completed no later than one year after the date the permit is issued.
  - L. The County may condition the approval of any permit on the provision of financial security, in a form and amount acceptable to the County in its sole discretion, to serve the proper performance of the permitted work.
5. Inspections.
- A. Prior to any excavation, all perimeter controls must be inspected by the Zoning Department.

- B. The Zoning Department shall inspect the property to verify compliance with the submitted SWPPP within 10 days of notification of soil stabilization.
- C. Inspections and maintenance of the permitted site is the responsibility of the owner. The permittee(s) inspection records must be made available to the Zoning Department.

6. Permit Fees.

The fee for the permit required by this Ordinance will be established by the Sherburne County Board of Commissioners as part of the County Fee Schedule.

**Subdivision 16: Feedlots and/or Manure Storage Areas**

- A. All feedlots shall comply with MN Rule 7020.
- B. Manure Storage Areas shall be designed, constructed and maintained in compliance with MN Rule 7020.2100.
- C. The following required and minimum setbacks are applicable to feedlots, manure storage areas and residences not located on the same property as these operations, provided, however, that residences located on parcels adjacent to the feedlot property that are owned by persons having an ownership interest in the feedlot or feedlot property shall be treated in the same manner as residences located on the feedlot property for purposes of this Section:

*SECTION 17 - GENERAL DEVELOPMENT REGULATIONS*

		LUP Req	CUP Req	EAW Req	non-feedlot residence	residential platted lot	property line	road centerline	City Limits	Public Park	Lake	River, Stream, or County Ditch	Private Well
<b>Agricultural Dist.</b>													
Tier 1	>2 - <50 AU	No	No	No	0'	0'	10'	N/A	200'	200'	1,000'	300'	100'
Tier 2	50 - <500 AU	Yes	No	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 3	500 - <1,000 AU	Yes	No	Yes*	660'	800'	250'	100'	2,640'	1,320'	1,000'	300'	100'
Tier 4	1,000 AU & greater	No	Yes	Yes	660'	1,000'	250'	100'	3,960'	1,320'	1,000'	300'	100'
<b>General Rural Dist.</b>													
Tier 1	>2 - <50 AU	No	No	No	200'	0'	10'	N/A	200'	200'	1,000'	300'	100'
Tier 2	50 - <250 AU	No	Yes	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 3	250 - <500 AU	No	Yes	No	660'	660'	250'	100'	1,320'	1,320'	1,000'	300'	100'
Tier 4	500 - <1,000 AU	No	Yes	Yes*	1320'	1320'	250'	100'	2,640'	2,640'	1,000'	300'	100'
Tier 5	1,000 AU & greater	No	Yes	Yes	2,640'	2,640'	250'	100'	3,960'	3,960'	1,000'	300'	100'

\* An EAW is required for new or expanding feedlots for more than 500 animal units only if located in a “Sensitive Area”. A Sensitive Area includes; shorelands; delineated flood plains; Recreational or Scenic River districts; within 1,000’ of a karst feature (sinkhole, cave, disappearing spring, resurgent spring, karst window, dry valley or blind valley); and vulnerable parts of delineated drinking water supply management areas.

- D. For the purposes of this section, Manure Storage Areas shall be regulated according to the number of animal units the Manure Storage Area is designed and constructed to accommodate.
- E. A Land Use Permit or Conditional Use Permit issued for any feedlot and any manure storage area shall authorize the feedlot owner/operator to maintain any number of animal units within the allowable range of the tier designated in the permit. The number of animal units contained in the feedlot must not exceed the maximum number allowed in the designated tier unless the feedlot owner/operator first obtains a new or amended Land Use Permit or Conditional Use Permit for the appropriate higher tier.
- F. An MPCA registered feedlot or manure storage area existing prior to November 8, 2014 that does not comply with the setbacks established in this Section may continue as a non-conforming use within the same tier or a lesser tier.
- G. An MPCA registered feedlot or manure storage area existing prior to November 8, 2014, that does not comply with the setbacks established in this Section may expand

in area so long as the expansion does not further encroach upon the setbacks and the expansion does not result in the feedlot increasing to a higher tier.

- H. New feedlots and manure storage areas, and the expansion of existing feedlots and manure storage areas are prohibited within the Shoreland and Floodplain districts, in compliance with MN Rule 7020.2005.
- I. All proposed feedlots and/or manure storage areas requiring a Land Use Permit shall submit an application to the Zoning Department, along with the required fee and the following information:
  - 1. A complete Land Use Permit application with a map or aerial photo indicating dimensions of the feedlot and any manure storage area, and showing all existing homes, buildings, lakes, ponds, water courses, wetlands, dry-runs, rock outcroppings, roads, wells, and general contour and north arrow.
  - 2. A copy of approval from the MPCA to operate a feedlot.
  - 3. Designation of applicable Tier (e.g. Tier 1, Tier 2/3, etc.)

**Subdivision 17: Solar Energy Systems and Solar Farms**

- 1. **All Solar Energy Systems and Solar Farms shall comply with the following standards:**
  - A. Interconnection. All solar energy systems that are connected to an electric distribution or transmission system, either directly or through the existing service of the principal use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement. Interconnection agreements shall be provided to the County if requested.
  - B. UL listing. Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
  - C. Building and Electric Code. A building permit must be obtained from the Sherburne County Zoning Office and all Solar Energy Systems must comply with the Minnesota and National Electric Code.
  - D. Reflector systems. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that may affect adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the side of the solar energy system facing

the reflectors, reducing use of the reflector system, or other remedies that limit glare.

- E. Height standards. Rooftop solar energy systems shall not exceed the maximum allowed height in any zoning district, except that solar energy systems shall be restricted or allowed consistent with other rooftop mechanical devices for the zoning district in which the system is being installed. Rooftop systems shall be designed to blend into the building or roof design. On pitched roofs (with a slope greater than 15%) panels shall be flush-mounted and shall not extend above the peak of the roof. All ground-mount systems shall not exceed height limits for the district in which the collector is located, when the solar energy system is at its maximum (steepest) design tilt.
- F. Setbacks. All equipment and structures must comply with setback and impervious surface coverage limitations for the zoning district in which the solar energy system is located.
- G. Stormwater and Erosion Control. Solar energy systems shall comply with all regulations related to storm water management, including, without limitation, Ordinance 210 (Illicit Discharge Detection and Elimination).
- H. Ground-mount accessory solar energy systems are subject to the accessory structure standards, including, without limitation, setback, height, and impervious surface coverage limits.
- I. Within the Shoreland Overlay District, ground-mount accessory solar energy systems shall be located to limit visibility from the water in leaf-on conditions, as determined by the Zoning Administrator.
- J. All solar energy systems are subject to the performance standards in the applicable zoning district.

## **Subdivision 18: Recreational Vehicle Use and Storage Regulations**

### **1. Parking of Recreational Vehicles**

- A. The provisions of this Subdivision do not apply to homeowners who are storing a Recreational Vehicle on their property.

- B. One Recreational Vehicle (not to include mobile homes nor park trailers) is permitted for seasonal use on a lot without permanent dwelling unit provided that the following are met:
1. Only one such unit is allowed per lot.
  2. Sewage must be properly treated or hauled away.
  3. The Recreational Vehicle is for guests or recreational use only. It may not be occupied on any lot for more than 90 days in any calendar year.
  4. The unit must have a current license attached in accordance with state law.
  5. Placement of the unit shall comply with all lake, river and side setback requirements for a principal structure in the applicable zoning district.
- C. A Recreational Vehicle, owned by a non-resident, guest, or visitor, may be parked or occupied by said guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed thirty (30) days in the same calendar year.