



Zoning Code Chisago City, Minnesota

Adopted: January 2000

1 PURPOSE OF ZONING ORDINANCE

1.2 TITLE

These regulations shall be known and may be cited as the “Zoning Ordinance of the City of Chisago City” or the “Zoning Ordinance”.

1.3 PURPOSE OF ZONING ORDINANCE

The purpose of this Title is to protect and promote the public health, safety, morals, peace, prosperity, and the general community welfare; to encourage orderly, compatible and beneficial uses of land in a manner that will be of benefit to the general community as well as to neighborhoods and individuals; to enhance the aesthetic quality of the natural and built environment of the community which, in addition to being a general concern to the citizenry, contribute to the recreational, and visitor oriented sector of the local economy; to secure freedom of choice and initiative to all persons in the use of privately owned land, insofar as that use is not harmful to the public health, safety, or general community welfare; to prevent unnecessary regulation or arbitrary restrictions in the exercise of private initiative and property use; to minimize conflicts between private individuals or groups, or other conflicts which might result from incompatible or inappropriate adjacent land uses; and to establish simple and readily available procedures through which private individuals or group, the City Administrator, Zoning Administrator, the Planning Commission, or the City Council may initiate zoning changes as evolving community needs dictate. Further, the purpose of these regulations is to establish land use regulations and a zoning plan for the City of Chisago City deemed necessary to encourage the most socially desirable use of the land; to maintain and enhance the desirable character of the downtown and neighborhoods; to provide open space for light and air, and to prevent and fight fires; to prevent residential congestion; to promote orderly community development; to lessen traffic congestion; to facilitate adequate provisions for community utilities such as transportation, schools, parks, sewer, water and storm drain facilities; to prevent pollution of air, water, and other natural resources; and to otherwise promote health, safety, and the general community welfare all in accordance with the City of Chisago City Comprehensive Plan.

1.4 CONTENTS OF ZONING ORDINANCE

The zoning ordinance consists of a zoning map designating certain zoning districts, and a set of regulations controlling the uses of land, the density of population, and the locations, the height and the bulk of structures, the land coverage and the open spaces around structures, the function and the appearance of certain uses and structures, the areas and the dimensions of sites; and requirements for off-street parking and off-street loading facilities within such districts.

1.5 PRINCIPLES AND STANDARDS OF THE ZONING ORDINANCE

The Zoning Ordinance of the City of Chisago City has been prepared in accordance with the following planning principles and standards:

- A. The ordinance is based on land use and development policies contained in the City of Chisago City Comprehensive Plan as to the general pattern of future land

uses, population densities, and other planning principles. It is based on the Comprehensive Plan Land Use Map, insofar as zoning districts established herein generally correspond to the land use designations of said map. Amendments to the ordinance are to be in general accordance and consistent with the Comprehensive Plan.

- B. The ordinance recognizes the need of all uses to be protected from other uses, which are unrelated or incompatible.
- C. The ordinance recognizes the importance of order and beauty in the overall character and appearance of Chisago City and to the public welfare and the general economy. These values are sought to be achieved through the review of the siting, function, landscaping, and general appearance of selected uses, structures and buildings. Such provisions are intended to provide the minimum amount of regulation necessary to encourage orderliness, attractive appearance and compatibility of structures and to encourage opportunity for variety and innovation.
- D. Lot area, yards, off-street parking, and other standards in the ordinance are based on accepted contemporary planning practices. Variance from the strict application of standards is available when extreme individual hardship would otherwise occur. Other modification procedures exist where unique site or land use characteristics suggest that the purpose of this ordinance is furthered by such modifications.
- E. Review of individual projects is necessary for implementation of community-wide planning policy. This ordinance provides for specialized procedures for the review and approval of, a) integrated, large-scale projects; b) multi-phased projects; c) mixed use developments; d) Commercial and Industrial uses.
- F. Uses which may adversely affect existing adjoining uses or areas, unless designed or arranged in a particular way or situated only in certain locations, are allowed only as "conditional uses" subject to the authority of appropriate hearing officers or bodies.
- G. The ordinance recognizes the need to minimize adverse impacts of development on natural and built environments through application of planning standards and prescribed environmental review procedures.
- H. The need for the coordination of existing and proposed land uses with the provision of public review is recognized herein.

The ordinance recognizes the need and desire of the comprehensive plan to efficiently use land in the existing city and to rationally and orderly expand the city boundary into surrounding rural and semi-rural areas.

1.6 INTERPRETATION

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements. Where this Title imposes a greater restriction than is imposed or required by other rules, regulations, or ordinances the provisions of this title shall control.

Where provisions of this Title are in conflict, the more restrictive provisions shall apply.

(Adopted: January 2000. Amended: Ord. # ____)

3.1 ZONING PERMITS

3.2 CONDITIONAL USE PERMITS

- A. Purpose. The purpose of this permit is to allow the proper integration into the City of essential or desired uses which may be suitable only in certain locations or zoning districts, or only provided that said uses are designed or arranged on a site in a particular manner.
- B. Procedure. Request for a conditional use permit, as provided within this title, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application, along with all related information, to the Planning Commission for consideration at its next regular meeting, provided that adequate time exists between the filing date and meeting date to allow for notification of public hearing as required by law. If there is not adequate time between the filing date and meeting date, the requests will be considered at the next regular meeting of the Planning Commission.
- C. Application. The application shall be accompanied by five sets of the site plan, at a scale not less than 1"=100', and a reduced set (11"x17") of plans capable of being reproduced. The plan shall describe the proposed use showing such information as may be necessary or desirable, including, but not limited to Items
- (1) through (15) below. Within ten (10) working days of receipt of all of the following items, the Zoning Administrator on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City. For projects that require design review refer to Section 3.5, for description of submittal requirements.
 1. Site plan drawn at a scale showing parcel with lot dimensions, setback and building dimensions, landscape plan, lighting plan, and building design details (elevations).
 2. Locations and designated use of all proposed and existing buildings and their square footage.
 3. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
 4. Existing topography. (2 foot contours)
 5. Final grading and drainage plan including first floor elevation for each structure on each lot and for residential structures, type of residence (walkout, lookout, full basement).
 6. Erosion control plan showing erosion measure according to city specifications.
 7. Type of business or activity and proposed number of employees.

8. Proposed floor plan of any building and use indicated.
9. Sanitary sewer and water plan with estimated daily use, as required by City.
10. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation or limitations, shall be made part of the permit application, as required by City.
11. A location map showing the general location of the proposed use within the City.
12. A map showing all owners of record and land uses within 350 feet of the parcel for which application is being made, provided by City, paid for in application fee.
13. Certified mailing list of all owners of record of properties with 350 ft of the exterior boundary of the property for which the application is being made, provided by City, paid for in application fee.
14. Recorded easements and right of ways.
15. Any other information deemed necessary by the Zoning Administrator, Planning Commission or their designed representative.

D. Review and Decision. The Planning Commission shall consider the conditional use permit request at a public hearing. The following general factors and other requirements of this Title or Comprehensive Plan shall be considered in the review.

1. The use is in conformity with the Comprehensive Plan and development policies of this Title.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
5. The use, in the opinion of the City, is reasonably related to the overall needs of the City and to the existing land use.

6. The use will be consistent with the purpose of this and other City Ordinances.
 7. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.
 8. The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or unmet parking needs.
 9. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
 10. The establishment or maintenance of the use shall not be detrimental to the public health, safety or general welfare.
 11. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness or other nuisances.
 12. The use will preserve and incorporate the site's important natural, scenic, and historical features into the development design
 13. The use will cause minimal adverse environmental effects.
- E. Finding of Fact. Upon review of the conditional use permit request the Planning Commission and City Council shall make a finding of fact. The findings are that the project as proposed or as approved contains the following conditions:
1. Conforms to the requirements and intent of this Title and the Comprehensive Plan;
 2. That any conditions necessary to protect the public interest have been imposed; and
 3. That such use or structure will not constitute a nuisance or be detrimental to the welfare of the surrounding neighborhood or community.
- F. Conditions of Approval. In issuing a conditional use permit, conditions of approval may be imposed. These conditions, may include, but not be limited to:
1. Matters relating to the architecture or appearance.
 2. Establishing hours of operation.
 3. Increasing the required lot size or yard dimension.
 4. Limiting the height, size or location of buildings.
 5. Controlling the location and number of vehicle access points.
 6. Increasing the street width.
 7. Increasing the number of required off-street parking spaces.
 8. Limiting the number, size, location or lighting of signs.
 9. Requiring dikes, fences, screening, landscaping or other facilities to protect adjacent or nearby property.
 10. Designating additional sites for open space.

11. Limiting the duration of the use.
12. Regulating storm water runoff.
13. Limiting the amount of signage.
14. Controlling exterior building or parking lot lighting.

3.3 INTERIM USE PERMIT

- A. Purpose: These uses may be permitted as a temporary use of property in the following cases:
1. To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction.
 2. To allow a use which is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
 3. To allow a use which is reflective of long-range change in an area and which is in compliance with the Comprehensive Plan, provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.
- B. Procedure: Interim uses shall be processed according to the standards and procedures for a conditional use permit as established in Section 3.1
- C. Qualifications and Requirements: The following uses shall be deemed interim uses:
1. An interim use permit may be granted to the following conditional uses in the respective zoning district
 - a. Licensed Day Care facilities.
 - b. Recreational vehicles and equipment parking and outdoor storage as regulated by Section 6.04.
 - c. Horticultural uses.
 - d. Home Occupations
 - e. All auto or related repair shops
 - f. Outside display of merchandise or sales area, excluding temporary sidewalk sales or special events sales.
 2. Existing home occupations or business in a residential district that in the opinion of the City Administrator, Planning Commission or City Council has changed, expanded, and/or may be disruptive to the adjacent neighbors.
 3. Other uses in the opinion of the City Council are of the same general character, uses may be permitted as authorized by the City Council.
- D. General Standards: In granting an interim use permit, the Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

1. The proposed use meets the standards of the conditional use permit set forth in section 3.1 of this chapter.
 2. The date or event that will terminate the use can be identified with certainty.
 3. The use will not impose additional unreasonable costs on the public.
 4. The proposed use will be subjected to, an agreement with the property owner, any conditions the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner will provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use.
- E. Conditions of approval: In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:
1. Matters relating to the architecture or appearance.
 2. Establishing hours of operation.
 3. Increasing the required lot size or yard dimension.
 4. Limiting the height, size or location of buildings.
 5. Controlling the location and number of vehicle access points.
 6. Increasing the street width.
 7. Increasing the number of required off-street parking spaces.
 8. Limiting the number, size, location or lighting of signs.
 9. Requiring dikes, fences, screening, landscaping or other facilities to protect adjacent or nearby property.
 10. Designating additional sites for open space.
 11. Limiting the duration of the use.
 12. Regulating storm water runoff.
 13. Limiting the amount of signage.
 14. Controlling exterior building or parking lot lighting.
- F. Termination: An approved interim use shall terminate upon the occurrence of any of the following events:
1. The termination date or event specified with approval of the interim use.
 2. Any violation of the conditions under which the interim use was approved.
 3. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- G. Review of Permit: All interim use permits shall be reviewed annually or on a complaint basis by the Planning Commission. A public hearing may be held at the Planning Commission's discretion.

Section Omitted

3.5 VARIANCE

A variance is the modification or variation of the Zoning Ordinance development standards where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Title would cause an unnecessary hardship.

H. Variance Conditions.

1. No variance may be granted that would allow any use that is not permitted or conditionally permitted in the Zoning district in which the subject property is located.
2. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Title.
3. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from physical conditions such as lot size or shape, topography, or other circumstances over which the owners of property, since enactment of this Title, have had no control.
4. That literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.

5. The special conditions or circumstances do not result from actions of the applicant.
 6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to owners of other lands, structures, or buildings in the same district.
 7. The variance requested is the minimum variance which would alleviate the hardship.
 8. The variance would not be materially detrimental to the purposes of this Title, or to property in the same zone.
 9. Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.
 10. In the Flood Plain district, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.
 11. Variances shall be granted for earth-sheltered dwellings according to state statutes when in harmony with this Title.
- I. Finding of Fact. In considering requests for variances, the Planning Commission and City Council shall make a finding of fact. The findings are that the project, as proposed or as approved, with conditions will not:
1. Impair an adequate supply of light and air to adjacent property.
 2. Unreasonably increase the congestion in the public right-of-way.
 3. Increase the danger of fire or endanger the public safety.
 4. Unreasonably diminish or impair established property values within the neighborhood.
 5. Cause an unreasonable strain upon existing municipal facilities and services.
 6. Be contrary, in any way, to the spirit and intent of this Title.
 7. Have a negative (direct or indirect) fiscal impact upon the City or school district, unless the proposed use is determined to be in the public interest.
- J. Conditions of Approval. In issuing a variance, conditions of approval may be imposed to reduce the impact of the request.
- K. Precedents. A previous variance shall not be considered to have set a precedent for granting of further variances; each case must be considered on its individual merits.

Section Omitted

3.6 ZONING PERMIT REVIEW

The Zoning Administrator shall review yearly all conditional use permits (CUP) and interim use permits (IUP) in all districts. In the event the CUP or IUP are found to be non-compliant, a letter with correction date will be sent. Failure to correct will result on the City Council reviewing the CUP for non-conformity.

- L. Application. A written application and required fee shall be filed with the Zoning Administrator. The application shall be accompanied by a legal description of the property and full sets of development plans of the proposed use showing such information as may be required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.
- M. Compliance. The use shall conform with the regulations specified in this Title.
- N. Issuance and Conditions. If the Zoning Administrator determines that the use is in compliance with the conditions contained in this ordinance, the Zoning

Administrator shall report to the City Council the use is compliant. Conditions required by this Title shall be applied to the issuance of and incorporated into the approval process.

- E. Appeals to Denial of a Zoning Permit. If the request for a Zoning permit is denied, or conditions are imposed, not acceptable to the applicant, the applicant may appeal the decision of the Zoning Administrator to the Planning Commission.

- F. Revocation. A violation of any condition set forth in an approved zoning permit shall be a violation of this ordinance and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the zoning permit. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 2.17 of this Title.

- G. Existing Uses. All uses existing at the time of adoption of this Ordinance that now require a zoning permit may continue in the same manner of operation as the use did upon the effective date of this Title. The Zoning Administrator may require a zoning permit for the use. Any enlargement, structural alteration or intensification of use shall require a zoning permit as provided for above. The Zoning Administrator may impose additional, reasonable conditions for the continuation of such use.

(Adopted: January 2000. Amended: June 2007, September 2007)

4.0 ZONING DISTRICTS

4.1 ZONING DISTRICT INTRODUCTION AND SUMMARY REGULATIONS

For purposes of this ordinance, Chisago City is hereby divided into the following zoning districts. The section numbers for each district are listed in the third column. Each section will provide more detailed information and regulations related to each district.

Agricultural		
Agricultural	A	4.2.1
Residential		
Rural Residential – Existing	RR-1	4.2.2
Rural Residential – Planned	RR-2	4.2.3
Low Density Residential	R-1	4.2.4
Low/Medium Density Residential	R-2	4.2.5
Medium Density Residential	R-3	4.2.6
High Density Residential Mobile Home	R-4	4.2.7
Reserved	-	4.2.8
Commercial		
Neighborhood Commercial	NC	4.3.1
Central Business Commercial	CB	4.3.2
Highway Commercial	HC	4.3.3
Industrial		
Light Industrial	LI	4.4.1
Office Park Industrial	OPI	4.4.2
Planned Development Districts		
Planned Unit Development	PUD	4.5.2
Planned Mixed-Use Development	PMD	4.5.3
Planned Industrial Mixed-Use Development	PID	4.5.4
Public/Semi Public		
Public/Semi Public – Open Space	PSP-OS	4.6.1
Public/Semi Public – Facilities	PSP-F	4.6.2
Overlay Districts		
Conservation	C	4.7.1
Floodplain	FP	4.7.2
Shoreland	SH	4.7.3

4.1.1 Zoning Ordinance Map

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map, APPENDIX I. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be the same as if it was fully described herein. It shall be the duty of the City Clerk to maintain said map, and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after adoption of amendments. The Zoning Map shall be kept or filed in the office of the City Clerk.

4.1.2 Zoning District Boundaries

The boundaries between zoning districts are unless otherwise indicated the center lines of highways or roads or such lines extended or lines parallel or perpendicular thereto; or lines on a registered plat, or section type map of United States Public Land Surveys as established by law. Figures may be shown on the Zoning Map between a road and a district boundary line that runs parallel to the road centerline at the distance indicated.

In all Shoreland Zone Districts, the zone district boundary shall extend one thousand (1,000) feet from the ordinary high water level of each lake and three hundred (300) feet from the ordinary high water level of each stream, river, or protected waterway or the distance of floodplain district

boundaries whichever is greater. Most of the City limits as of the date of adoption fall within one thousand (1,000) feet of the ordinary high water level of a lake.

4.1.3 Newly Annexed Land Zoning Procedures

Newly annexed land will be zoned upon annexation. In the event specific zoning is not established at time of annexation, land will be zoned in accordance with the adopted Comprehensive Plan, or at the discretion of the City Council. The Comprehensive Plan map and phasing plan adopted in the 2006 Comprehensive Plan shall be referenced for all zoning decisions made with respect to annexations and rezoning requests.

(Adopted: January 2000. Amended: October 2000, January 2005, October 2006)

Sections Omitted

4.4 INDUSTRIAL ZONING DISTRICTS

- A. Purpose. The Industrial Zoning District is intended to provide quality designed buildings or sites for industrial uses that may be suitably located in areas of relatively close proximity to shoreland and non-industrial development. Industries that pose problems such as air, water, or noise pollution will not be permitted in this district.
- B. All new and remodeled development in the Industrial Zoning Districts shall require a design permit and design review according to the regulations in Section 3.5.

4.4.1 Light Industrial (LI)

- A. Purpose: The purpose of the Light Industrial Zoning District is established to provide land to serve industrial, manufacturing, and warehouse needs that provide vital services and increase the tax base of the City. The nature of LI uses prohibits their operation in most other districts in the City.

- B. Permitted Uses:

Such permitted establishments shall include, but are not limited to the following:

1. Light assembly/light manufacturing
2. Auto and truck washes
3. Storage and warehousing within a primary business
4. Carpet cleaning, dry cleaning
5. Custom shop for making articles produced, or products sold at retail on the premises.
6. Laboratory, research, experimental, and testing.
7. Nursery sales or green houses.
8. All fabricating, manufacturing, processing, production, or other industrial use provided the activity shall be undertaken within completely enclosed buildings.
9. Construction contractors, office and storage yards.
10. Printing shops and companies.
11. Storage in bulk, of such materials as building supplies, contracting equipment, furniture, food, fabrics, hardware, or similar goods, when entirely enclosed in building, provided that such permitted storage building shall not store junk, metals, petroleum and other inflammable liquids in above ground tanks, paint, and paint materials, discarded or salvaging material, or be used for wrecking or dismantling of motor vehicles.
12. Essential Services
13. Recreational Facilities
14. Public/Semi-Public Facilities
15. Parks and open space

- C. Conditional Uses:

1. Outdoor storage or sales of materials, equipment or vehicles.
2. Recycling Collection Centers.
3. Mini Storage.
4. Mineral Extraction and Manufacturing according to the regulations in Section 7.5
5. Automobile sales, and service, including body repair.
6. Storage and sale of lumber, brick, stone, provided such use is stored behind a fence of a minimum of eight (8) feet in height with screening, landscaping and berming subject to design review.
7. Adult Establishment as regulated in Section 208.

8. Any other use recommended by the Planning Commission and approved by the City Council to be of the same general character as the permitted or conditionally permitted uses which will not impair the present or future use of surrounding properties.

D. Performance and Architectural Standards:

The following performance standards shall apply to all permitted and conditionally permitted light industrial areas.

1. In determining compliance with the performance standards of this section, the zoning administrator may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments as to such compliance.
2. Storage of Materials. Ancillary and accessory buildings shall be constructed of similar material and design of the primary structure to permit the keeping of articles, goods, or materials, or planted ground cover in the open or exposed to public view. When necessary to store or keep such materials in the open, the area of outdoor storage shall be screened by a fence of no less than eight (8) feet in height, with screening, landscaping and or berming. Such storage shall be limited to the rear two-thirds (2/3) of the lot.
3. Glare and Heat. No glare or heat shall be produced in any building in this district which can be detected from a distance of more than fifty (50) feet from the building which it is produced or from the property line, whichever is closer.
4. Noxious Fumes, Odor, and Air Emissions. No use or structure shall make, continue, permit or cause to be emitted into the open air any dust, gasses, fumes, vapors, smoke and/or odors with objectionable properties and in such quantities as would be likely to cause discomfort or annoyance to a reasonable person of normal sensibilities that does one or more the following:
 - a. Injures or are sufficient to injure the health or safety of any person or the public;
 - b. creates an obnoxious odor in the atmosphere as recommended by the Planning Commission and determined by the City Council or authorized agent;
 - c. causes damage to property;
 - d. creates a nuisance or hazard by obscuring vision; or produces a deleterious effect upon trees, plants or other forms of vegetation.
5. Explosive and flammable. All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire-fighting and fire-suppression devices standard in the industry. The manufacture, storage or use of any explosive or blasting agent as defined in the Uniform Fire Code shall be prohibited.

6. Exterior Lighting. Any light used for exterior illumination shall be directed down and away from adjacent properties.
7. Waste Materials. No waste material shall be washed into the City Storm Sewer. All waste materials must be properly disposed of an approved landfill, or into the City Sanitary Sewer System as governed by the City Sewer use ordinance. Any waste material which is found to be untreatable by the City’s wastewater treatment system must be pretreated. All pretreatment systems must be granted a permit by the Minnesota Pollution Control Agency. All solid waste materials, debris, or refuse must be properly contained within an enclosed building or container. Said containers must be stored in racks designed for said purpose.
8. Inspections. In order to assure compliance with the standards set forth above, the council may require the owner or operator of any permitted use to make such investigations and tests as may be required to insure adherence to the standards above. Any needed investigations or tests shall be carried out by an independent testing organization as selected by the City Council after thirty (30) days’ notice. The costs incurred in having such investigation or tests shall be borne by the businesses unless such owner/operator is found to be in compliance with the appropriate Ordinance and State and Federal regulations.
9. Architectural Standards: It is in the best interest of the City to promote high standards of architecture design and compatibility with surrounding structures and neighborhoods.
 - a. Front facades must be composed of at least 75 percent of Class 1 or 2 materials, with at least 25 percent of Class 1 material on the total façade. Side and rear facades visible to public right-of-ways, parks, or residential property must be composed of as least 25 percent of Class 1 or 2. Side and rear facades not visible from public right-of-way, parks, residential property or district may use any combination of Class 1, 2, or 3 materials.

Classes of Material		
Class 1	Class 2	Class 3
<ul style="list-style-type: none"> ▪ Brick ▪ Natural Stone ▪ Glass ▪ Seamless metal panels ▪ Other materials not listed elsewhere as approved by the City Administrative 	<ul style="list-style-type: none"> ▪ Masonry Stucco ▪ Decorative Concrete Block ▪ Decorative Concrete Panels ▪ Tile ▪ Other materials not listed elsewhere as approved by the City Administrative 	<ul style="list-style-type: none"> ▪ Industrial grade concrete panels ▪ Smooth concrete ▪ Scored concrete ▪ Ceramic ▪ Wood ▪ Aluminum or vinyl Siding ▪ Other materials not listed elsewhere as approved by the City Administrative

10. All rooftop or ground mounted mechanical equipment, satellite dish antennas, and exterior trash storage areas shall be screened with materials compatible with the principal structure.
11. Accessory structures, either attached or detached from the primary structure, shall be constructed of identical materials, style, quality, and appearance as the principal structure.
12. Screen walls, and exposed areas of retaining walls shall be of similar

type, quality, and appearance as the principal structure.

13. Landscape requirement to be 2% of the building value.

E. Lot Requirements and Setbacks:

The following minimum requirements shall be observed in the Light Industrial district subject to additional requirements and modifications set forth in this ordinance.

Minimum Lot Area	1.5 Acres
Lot Width	150 feet
Setbacks – Public Right of Way	35 feet
Setbacks – Side	25 feet
Setbacks – Rear Yard	25 feet 50 feet from residential property
Maximum Impervious Surface	70%

Sections Omitted

7.1 ENVIRONMENTAL PROTECTION

7.2 FOREST PROTECTION REGULATIONS

A. Findings and Purpose.

1. Chisago City finds that preservation of trees and woodlands within the City is critical to the health, safety and welfare of the citizens; that existing and potential development within the City has the effect of reducing and in some cases eliminating wooded area, which, if preserved and maintained, serve important ecological, recreational and aesthetic benefit to existing and future residents. Therefore, the purposes of these regulations are the following:
2. To preserve woodlands and trees on individual sites; protect the safety of said residents by preventing wind and water erosion, slope instability and rapid runoff promote the health of said residents by absorption of air pollutants, contaminants and noise; and protect the welfare of residents by increasing rainfall infiltration to the water table, provide a diversified environment for many kinds of animals and plants necessary for wildlife maintenance and important to the aesthetic values and recreational requirements of the area and promote energy conservation by shading buildings in the summer and breaking winds in the winter.
3. District Boundaries. The Forest Protection regulations apply to all zoning districts within the city.
4. Restrictions.
 - a. No development permit may be issued for any development unless the development is in compliance with the following standards:
 - (1) Development must be conducted so that the maximum number of trees is preserved by the clustering of structures in existing cleared areas and natural clearings.
 - (2) Grading, contouring and paving may not detrimentally affect the root zone aeration and stability of existing trees and existing trees must be provided with a water area.
 - (3) When trees are lawfully removed, the permittee must restore the density of trees that existed before the development. Comparable nursery stock must be utilized, but not more than ten trees per acre are required.
 - (4) Development may not reduce the existing crown cover greater than 50 percent and may preserve the under-story.
 - (5) Trees used in reforestation or landscaping must be compatible with the local landscape and conditions and not presently under disease epidemic.

- (a) Lawful development is under a continuing obligation to observe these restrictions.
- (b) The removal of trees seriously damaged by storms or other acts of God or diseased trees is not prohibited.

7.3 WETLAND PROTECTION REGULATIONS

A. Definition.

1. Wetland: See Chapter 9 (Definitions).
2. Buffer: an upland area adjacent to a lake, stream or wetland that is natural or restored to primarily native vegetation.
3. Setbacks: The minimum horizontal distance between a structure or sewage treatment system and the edge of a delineated wetland.

B. General. The following are minimum requirements.

1. All wetland delineations must be completed by a certified wetland delineator.
2. Wetland Delineations for Planned Development Districts (PDD) and Subdivisions must follow the Minnesota Routine Assessment Methodology (MNRAM) and identify the quality of the wetland based on the assessment.
3. Minor subdivisions, Administrative lot splits, building permits, septic system installation and updates, and soil disturbances 100 cubic feet or less would be exempt from this requirement and will utilize the moderate quality buffer and setbacks set forth in this section, unless a MNRAM has been completed and approved or the wetland has already been identified as a high quality wetland by MNRAM standards. An applicant that is exempt from the MNRAM requirements may still complete the MNRAM process and comply with the resulting setbacks.

C. Wetland Limitations. The following activities are prohibited within a wetland or wetland buffer:

1. Runoff must not be discharged directly into wetlands without presettlement of the runoff.
2. Creating impervious cover, except those that are approved through plan review or by the City.
3. Excavating fill or placing fill or debris, except as approved, in writing, by the City or County Wetland Specialist.
4. Altering vegetation, except for vegetative enhancements, and the removal of invasive exotic species or trees for disease control or revegetation. These exceptions must include a detailed plan submitted and approved by the City.
5. Applying phosphorus-containing fertilizers that is harmful or will injure the waterbody. The exception must be authorized by the City Administrator.

D. Setbacks and Buffers. Based on the wetland function and value assessment the following will be buffer and setback requirements measured from the delineated wetland edge.

Low Quality	Buffer	15 feet
	Setback	15 feet
Moderate Quality	Buffer	20 feet

	Setback	30 feet
High Quality	Buffer	25 feet
	Setback	50 feet

- E. Protection.** Protection of buffer areas described in this rule is to be maintained indefinitely. Buffer strips (natural or created) shall be protected by erosion and sediment control measures during construction. Where buffer strips are not vegetated or have been cultivated or other land disturbance has occurred within 5 years of the application, such areas shall be replanted and maintained. The buffer strip plantings must be identified on the site plan and approved by the city. Buffer strips shall not be mowed without permission from the city.
- F. Sign.** A buffer shall be indicated by permanent, free-standing monuments at the buffer’s upland edge, with a design and text approved by the City. A marker shall be placed at each lot line, with additional markers at an interval of no more than 150 feet. For subdivisions, it is the City’s standard that the monument requirement applies to each lot of record. On public land or right-of-way, the monument requirement may be satisfied by the use of markers flush to the ground, breakaway markers of durable material, or a vegetation maintenance plan approved by City staff.
- G. Mitigation.** Wetlands must not be drained or filled, wholly or partially, unless replaced by wetland areas of at least equal public value. Replacement be guided by the following principles in descending order of priority:
- a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland.
 - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation.
 - c. Rectifying the impact by repairing, rehabilitating or restoring the affected wetland environment.
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity.
 - e. Compensating for the impact by replacing or providing substitute wetland resources or environments. Compensation including the replacement ratio and quality or replacement must be consistent with the requirements outlined in the rules adopted by the Board of Water and Soil Resources described in the Wetland Conservation Act of 1991.

Any wetland replacement plan must be approved by the city. The amount of replacement wetlands required will be determined by the quality of the wetlands being mitigated.

Wetland Quality	Replacement rate
Low/Moderate Quality	2:1
High Quality	3:1

7.4 STORM WATER MANAGEMENT

- A.** Statutory Authorization. This ordinance is adopted pursuant to Minnesota Statutes Section 462.351.
- B.** Findings. Chisago City hereby finds that uncontrolled and inadequate planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in areas which may be affected by unplanned land use.
- C.** Purpose. The purpose of this ordinance is to promote, preserve and enhance the natural resources within Chisago City and protect them from adverse effects caused by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development.
- D.** Applicability. Every applicant applying for subdivision or a development permit to allow land disturbing activities must submit a storm water management plan to the Public Works Director. No building permit, subdivision approval or development permit to allow land disturbing activities may be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance.
- E.** Exemptions. The provision of this ordinance do not apply to:
1. Any part of a subdivision if a plat for the subdivision has been approved by the city on or before the effective date of this ordinance.
 2. A lot for which a building permit has been approved on or before the effective date of this ordinance.
 3. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.
 4. Emergency work to protect life, limb or property.
- F.** Storm Water Management Plan Approval Procedures. At a minimum, the storm water management plan must contain the following information:

1. Existing Site Map. A map of existing site conditions showing the site and immediately adjacent areas including:
 - a. The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheet.
 - b. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the streets and number of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks.
 - c. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet. (Use urban sea level as a base).
 - d. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetlands by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency and/or United States Corp of Engineers.
 - e. Delineation of ordinary high water mark of lakes.
 - f. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying and receiving stream, river, public water or wetland and setting forth those areas of the unaltered site where storm water collects.
 - g. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable.
 - h. Vegetative cover and clearly delineating any vegetation proposed for removal.
 - i. 100-year floodplains, flood fringes and floodways.
2. Site Construction Plan. A site construction plan must contain the following information:
 - a. Location and dimension of all proposed land disturbing activities and any phasing of those activities.
 - b. Locations and dimensions of all temporary soils or dirt stockpiles.

- c. Location and dimension of all construction site erosion control measures necessary to meet the requirements of this ordinance.
 - d. Schedule of the starting and completion date of each land disturbing activity including the installation of construction site erosion control measures for each phase.
 - e. Provisions for maintenance of the construction site erosion control measures during construction.
3. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes including:
- a. Finished grading shown at contours at the same interval as provided on the existing site map indicating the relationship of proposed changes to existing topography and remaining features.
 - b. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials that will be added to the site as part of the development.
 - c. A drainage plan of the developed site delineating the direction and rate of storm water from the site and the areas of where storm water will be allowed to collect.
 - d. The size, alignment and intended use of any structures to be erected on the site.
 - e. A delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used.
 - f. Any other information necessary for the review of the project plan.
- G.** Plan Review Procedure.
- H.** Process. Storm water management plans meeting the requirements of Section 6 must be submitted by the Public Works director to the Planning Commission for review in accordance with the standards in this section.
- I.** Duration. Plan approval will expire one year after date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the Public Works Director for an extension of time to commence construction setting forth the reasons for the requested extension, the planning department may grant one extension of not greater than one year. Receipt of any request for extension shall be acknowledged by the Department of Public Works within 15 days. The Department of Public Works shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

- J.** Conditions. A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements of this ordinance are met. Conditions may limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering and require the conveyance to the city or other public entity of necessary lands or easements.
- K.** Performance Bond. A letter of credit or other form of security shall be requested to cover the amount of the established cost of complying with the conditions as calculated by the City Engineer. The bond must guarantee completion and compliance with conditions within a specific time and may be extended in accordance with this section.
- L.** Fees. All applications for a storm water management plan approval must be accompanied by a processing and approval fee as determined by resolution of the City Council an escrow account may be required by the Zoning Administration to pay for actual engineering costs incurred by the City Engineer.
- M.** Approval Standards.
1. No storm water management plan that fails to meet the standards in this section may be approved.
 2. Site Dewatering. Water pumped from the site including temporary sedimentation basins, grit chambers, sand filters, up-flow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels of a wetland.
 3. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of, as regulated by city, state and federal regulations, off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.
 4. Tracking. Graveled roads, access drives and parking areas must be of sufficient width and length to prevent sediment from being traced onto public or private roadways. Any sediment reaching a public or private road shall be removed by Street cleaning (not flushing) before the end of each workday, unless approved by the city. Street cleaning must be completed by the applicant or approved designee.
 5. Drain Inlet Protection. All storm drain inlets must be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas".
 6. Site Erosion Control. The following criteria ("a" through "d") apply only to

construction activities that result in runoff leaving the site.

- a. Channelized runoff from adjacent areas passing through the site must be diverted around disturbed areas, if practical. Otherwise, the channel must be protected as follows:

Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall be diverted around disturbed areas, unless shown to have resultant runoff of less than 0.5 ft.³/sec. across the disturbed area for a one-year storm event. Diverted runoff must be conveyed in a manner that will not erode the conveyance and receiving channels.

- b. All activities on the site must be conducted in a logical sequence to minimize the area of bare soil at any one time.
- c. Runoff from the entire disturbed area on the site must be controlled by meeting either 1 and 2 or 1 and 3 of this section.
 - (1) All disturbed ground left inactive for fourteen or more days must be stabilized by seeding or sodding or by mulching or covering or other equivalent control measures.
 - (2) For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins must be constructed. Each sedimentation basin must have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment must be removed to maintain a depth of three feet. The basin discharge rate must also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - (3) For sites with less than ten acres disturbed at one time, silt fences, straw bales or equivalent control measures must be placed along all side-slope and down-slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences must be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.
- d. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a down-slope drainage length of less than 25 feet from the toe of the storage pile to a roadway or drainage channel. If remaining for more than seven days, it must be stabilized by mulching, vegetative cover, tarps or other means. Erosion form piles that will be in existence for less than seven days must be controlled by placing straw bales or silt barriers around the storage pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days

the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

N. Storm Water Management Criteria for Permanent Facilities.

1. An applicant must install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, ten-year and 100-year storm peak discharge rates existing before the proposed development are not increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in kind or monetary contribution to the development and maintenance of the community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
2. The applicant must give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swamps and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
3. The following storm water management practices must be investigated in developing a storm water management plan in the following descending order of preference:
 - a. Infiltrations of run-off on-site, if suitable soil conditions are available for use.
 - b. Flow attenuation by use of open vegetated swamps and natural depressions.
 - c. Storm water retention facilities.
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in Section 7.02.N.1. Justification shall be provided by the applicant for the method selected.

O. Design Standards. Storm water detention facilities constructed in the city must be designed according to the National urban Runoff Program (NURP), wet basin design criteria and the urban best management practices as reflected in the MPC publication, "Protecting Water Quality in Urban Areas", and must contain, at a minimum, the following design factors.

1. A permanent pond surface area equal to two percent of the impervious area draining to the pond or one percent of the entire area draining to the pond, whichever amount is greater.
2. An average permanent pool depth of four to ten feet. (COMMENTARY: An alternative to subsections 1 and 2 that the volume of permanent pool be equal to or greater than the runoff from a 1.0 inch rainfall, per event (first flush) for the fully

developed site.)

3. A permanent pool length-to-width ratio of 3:1 or greater.
 4. A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1 beyond which slopes should not exceed 3:1.
 5. A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet).
 6. All storm water detention facilities must have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations.
 7. Storm water detention facilities for the new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 10-year storm event. Also, calculations and hydrologic models used in determining peak flows must be submitted along with the storm water management plan.
 8. All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.
- P.** Wetlands. As indicated in section 7.2
- Q.** Steep Slopes. No land disturbing or development activities are allowed on slopes of 18 percent or more.
- R.** Catch Basins. All newly installed and rehabilitated catch basins must be provided with a sump area for the collection of coarse-grained material. The basins must be cleaned when they are half filled with material.
- S.** Drain Leaders. All newly constructed and reconstructed buildings must route drain leaders to storm sewer facilities or pervious areas wherein the runoff can be allowed to infiltrate. The flow ration of water from the leaders must be controlled so no erosion occurs in the pervious areas.
- T.** Inspections and Maintenance. All storm water management facilities must be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities must have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The director of public works, or designated representative, must inspect all storm water management facilities during construction, during the first year of operation and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of six years. It is the responsibility of the applicant to obtain any easements or property interests to allow needed access to the storm water management facilities for inspection and maintenance purposes.

- U.** Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures must be approved by the director of public works. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear on the plans submitted for review, unless otherwise approved the director of Public Works.
- V.** Watershed Management Plans/Groundwater Management Plans. Storm water management plans must be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes Section 103B.23 1 and 103B.255 respectively and as approved by the Minnesota Board of Water and Soil Resources.
- W.** Easements. It is the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
- X.** Other Controls. In the event of any conflict between the provisions of this ordinance and other provisions of the Zoning Ordinance, the more restrictive standard prevails.

7.5 LAND ALTERATION AND GRADING

- A.** Permit Required. No person, firm or corporation may undertake, authorize or permit any of the following actions without first having obtained a grading permit from the city.
1. Any excavating, grading, filling or other change in the earth's topography resulting in the movement of more than 50 cubic yards per acre of material, except in any designated Wetlands, Floodplain or Shoreland District.
 2. Any excavating, grading or filling or change in the earth's topography in any designated Wetlands, Floodplain or Shoreland District.
 3. Any changing of a natural drainage way or drainage pattern that results in any change in the flow of surface water upon adjacent property.
- B.** Exception. Notwithstanding the above, no grading permit is required for the following activities, except as required by Minnesota State Building Code.
1. Earthwork undertaken in accordance with grading plans approved in conjunction with a site and building plan review or plat approval, or
 2. Earthwork that will result in moving less than 50 cubic yards of material provided the work does not take place in any designated Wetlands, Floodplain or Shoreland District and does not affect local drainage patterns.
 3. Agriculture Uses as defined in Section 9.1 of this Title, unless the work is to change or heighten the topography of the land being used for agriculture.
- C.** Administrative Review of Grading Permits. A permit is required from the City Administrator or City Engineer or designee for any of the following:
1. Placement of or grading of more than ten cubic yards of material on steep slopes adjacent to lakes and wetlands or with the shore or bluff impact zones.
 2. Placement of or grading of more than 50 cubic yards, of material per acre.
 3. Where filling or grading occurs within ten feet of a property line or when such activity alters the drainage patterns of adjacent properties.
- D.** City Council Review. All grading permits that would result in changing the use of the property must be reviewed by the Planning Commission and approved by the City Council. If possible, grading permit review will be combined with other planning permit reviews.

E. Application for a Grading Permit.

1. Applications for a grading permit for Administrative review shall include a permit as provided by the city and accompanied with the following:
 - a. Existing land elevations
 - b. Proposed site elevations and drainage patterns.
 - c. Erosion control
 - d. Security bond to insure compliance with the approved permit and adequate site restoration.
 - e. As deemed necessary by the City Administrator or City Engineer

Upon receipt of a completed application, the City Engineer must review the application within ten (10) working days and must notify the applicant of the decision in writing. The City Engineer may impose such modifications and conditions as may be necessary to protect the public interest. Bonding may be required in an amount sufficient to complete site restoration should the applicant default.

2. Applications for a grading permit that requires review by the Planning Commission and approved by the City Council must be made to the City Engineer on forms provided by the city and must be accompanied by the following information:
 - a. Evidence of ownership or written permission by land owner.
 - b. Existing and proposed final grades with two foot contour intervals.
 - c. A survey showing the location and elevation of all roads, utilities and structures that may be impacted by the proposal.
 - d. If trees are impacted, a tree survey showing all significant trees having a caliper of six (6) inches or greater at breast height and a tree preservation plan.
 - e. A landscaping and/or site restoration plan.
 - f. A drainage plan with an engineering design for necessary storm water retention work.
 - g. An erosion control plan indicating the type and location of erosion measures.
 - h. A traffic analysis showing how the materials will be removed from or delivered to the site.
 - i. Two copies of all available soil borings and with boring location maps and any other available soil information.
 - j. Any other information that may be required by the City Administrator or City Engineer or designee.
 - k. A completion schedule of building construction phasing.

F. Grading Permit Standards.

1. No grading permit may be issued for site grading without approved plans for site development and adequate provision for site protection from wind or water erosion.
2. Grading permits may be issued when in compliance with the following standards:
 - a. The plans must maximize the preservation of trees on the property and utilize the trees to the maximum extent possible to screen the grading from adjacent property.
 - b. The plan must utilize landscaping to restore site aesthetics, minimize the visual impact of the work, screen the grading from adjacent property and enhance the property's development potential. All areas altered because of grading activity must at a minimum, be restored with seed and diced mulch or sod within two weeks after the completion of the activity. The city may approve an extension of this deadline of appropriate, but in no case may site restoration be delayed beyond October 1.
 - c. The plan must not result in sites that are unsatisfactory for development of permitted uses. The development potential of a site may be adversely impacted by unsuitable finish grades, poor soil stability, unsatisfactory drainage or exposure to deleterious influences.
 - d. The plan must provide for the removal of any significant amounts of organic material or construction debris.
 - e. In instances where an existing buffer will be impacted by grading or filling operations, site restoration must be completed in a manner that resembles the original vegetative and topography state of the property.
 - f. The plan must protect designated wetlands, floodplains, shoreland, public waters and other natural features:
 - g. The plan must provide for adequate drainage, storm water retention and erosion control measures.
 - h. The plan must provide for traffic movements to and from the site without having significant adverse effects on roads, intersections or development in the area. Streets surrounding the site must be swept to remove any debris that may accumulate due to these activities.
 - i. The plan must include a schedule of activities, which limits the duration of disruptions and impacts.
 - j. The plan must also be approved, where required, by appropriate watershed districts, the United States Army Corps of Engineers, the Minnesota Department

of Natural Resources and any other government agency that has jurisdiction.

- k. The plan shall be accompanied by a letter of credit or other satisfactory security to insure compliance with the approved permit and adequate site restoration. The amount of the bond will be based upon the size of the site, sensitivity of its surroundings, extent of grading, amount of material moved, necessary site restoration and potential impacts upon public facilities, including damage to public roadways and property.
- l. The plan must comply with the Minnesota State Building Code and all other applicable statutes or ordinances.

(Adopted: January 2000. Amended: March 2001, April 2008, January 2012)

7.6 MINERAL EXTRACTION AND MANUFACTURING

A. Purpose. The purpose of this Ordinance is to protect the public health, safety and welfare through the following:

1. Existing Activities. Identify areas in the community where existing mineral extraction has been conducted.
2. Appropriateness. Identify areas in the community where mineral extraction is most appropriate and minimizes conflicts with other land uses.
3. Standards. Establish standards for existing and new mineral extraction which prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole.
4. Restoration. Establish standards and financial guarantees that restore land used for existing and new mineral extraction to a condition compatible with adjacent properties and suitable for future uses which are compatible with the Chisago City Comprehensive Plan.

B. Definitions. For the purposes of this section, the following terms shall have the meaning associated with them:

1. Asphalt Plant: Machinery used for blending and making aggregate materials with oil based materials to create hot or cold asphalt products.
2. Berm: A mound of earth designed to provide screening of areas and to reduce noise.
3. Bond: Any form of security including a cash deposit, surety bond, collateral, or instrument of credit in an amount and form satisfactory to the City of Chisago City. All bonds shall be approved by the City of Chisago City wherever a bond is required by these regulations.
4. Concrete Ready-Mix Plant: Machinery used to mix materials (usually cement, sand, or aggregate) and water to create concrete for resale.
5. Conditional use Permit: See Section 3.1.
6. Dust: Airborne mineral particulate matter.
7. Engine Retard Breaking: Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
8. Excavation: The movement or removal of soil and minerals.

9. Holiday: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
10. Interim Use Permit: A permit for temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
11. Manufacturing: Any activity that includes Portable or Permanent or Temporary Asphalt Plants, Concrete Ready Mix Plants, Processing and Recycling Plants.
12. Mineral: Sand, gravel, rock, clay and similar higher density non-metallic natural minerals.
13. Mineral Extraction: The removal of sand, gravel, rock clay and other minerals from the ground.
14. Mineral Extraction Facility: Any area that is being used for removal, stockpiling and storage, of sand, gravel, topsoil, clay, and other minerals.
15. Operator: Any person or persons, partnership, corporations or other entities or combination or assignees thereof, including public or governmental agencies, engaging in mineral extraction and any processing, recycling, and manufacturing activities derivatives.
16. Owner: Any person or persons, partnership, corporation or other entities owning fee title to the Subject Property.
17. Permanent Asphalt Plant or Permanent Ready Mix Concrete Plant: Permanent Plants that are constructed on footings or concrete foundations and are not portable from one site to another.
18. Plant Operating Days: Days in which a Portable Asphalt Plant or Concrete Ready Mix Plant is on and operating.
19. Portable Asphalt Plant or Portable Concrete Ready Mix Plant: Portable Plants which can be assembled and disassembled on-site which are not constructed on footings or concrete foundations.
20. Processing Plant: , Machinery used to crush, wash, compounding, mixing, or treat dirt, sand, gravel, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, and other similar products. This does not include Asphalt Plants and Concrete Ready Mix Plants.
21. Recycling Plant: Machinery used to crush, wash compounding, mixing, or treat used aggregate, concrete, asphalt and other similar products into other consumable products. This does not include Asphalt Plants or Concrete Ready Mix Plants.

22. Rehabilitation: To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.
23. Soil: A natural three dimensional body of the earth's surface.
24. Stockpiling: Move or handle a reserve supply of goods or raw material accumulated for future use.
25. Subject Property: The real property on which Mineral Extraction Facilities, Processing Plant, Asphalt Plant and/or Ready Mix Plant is sought to be permitted.
26. Topsoil: the upper portion of the Soils present that is the most favorable material for plant growth.

C. Permit Required.

1. Mineral Extraction.
 - a. Permit Required. Irrespective of the zoning classification of a Subject property a permit, as provided in this Subsection C is required for Mineral Extraction and/or Manufacturing, unless specifically accepted from such permit.
 - b. An Interim Use Permit (I.U.P.) is required for any new Mineral Extraction Facility, starting after the date of the adoption of this Ordinance, on forty (40) continuous acres or more and shall follow the procedure set forth in Chapter 3.2. and, to the extent more restrictive, this Section 7.5.
 - c. Permanent Mineral Extraction Facilities are not allowed on less than forty (40) contiguous acres.
 - d. Any existing Mineral Extraction Facility that has been in operation before the adoption of this Ordinance and has not been abandoned is required to obtain a Conditional Use Permit (C.U.P) as regulated in Chapter 3.1. and, to the extent more restrictive, this Section 7.5.
2. Manufacturing.
 - a. An Interim Use Permit is required for any Processing Plant, Recycling Plant, or Temporary Processing Plant, Recycling Plant, Asphalt Plant or Concrete Plant, unless specified in this section.
 - b. A Conditional Use Permit may be granted for any existing Processing or Recycling Plant as described in section 7.5. that is part of an existing Mineral Extraction Facility.
3. Processing or Recycling Plant. Processing and Recycling Plant shall only be allowed within and as part of a Mineral Extraction Facility.
 - a. A separate Interim Use Permit shall be required for any new Mineral Extraction Facility that wishes to have a Processing or Recycling Plant.

- b. A Conditional Use Permit (C.U.P) may be considered for any existing Processing or Recycling Plant that is part of an existing Mineral Extraction Facility.
 - c. Without limiting Subsection 7.5(E) below, any Processing or Recycling Plant must meet the following performance standards:
 - (1) The application must include the nature of the processing and equipment, location of the plant, source of water, disposal of water, and reuse of water.
 - (2) Crushing equipment must be placed in the bottom of the pit area if practical or in such a manner as to have the least environmental and aesthetic impact.
 - (3) If products are being recycled the stockpiles of unprocessed recycled materials shall be screened from public view from the nearest public right of way.
4. Portable Asphalt Plants and Ready Mix Plants. Portable Asphalt and Concrete Ready Mix Plants shall only be allowed within a Mineral Extraction Facility pursuant to the permit requirements set forth in Section C above. Permanent Asphalt and Concrete Ready Mix Plants are prohibited.
- a. Without limiting Subsection 7.5(E) below, an Interim Use Permit for Portable Asphalt Plants and Concrete Ready Mix Plants may be allowed if the following conditions are met:
 - (1) Portable Asphalt Plants and Concrete Ready Mix Plants must not operate on the property for more than one-hundred and fifty (150) plant operating days per calendar year. The operator must provide written documentation generated from the equipment, as requested by the City.
 - (2) Portable Asphalt Plants and Concrete Ready Mix Plants must not be on the property for more than 24 consecutive months unless allowed by permit.
 - (3) An Interim Use Permit may be applied to extend an existing Portable Asphalt Plant or Concrete Read Mix Plant, up to an additional 24 months, and must be completed prior to the expiration of the previous permit.
 - (4) Operations will be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. Operations are prohibited entirely on legal holidays, including weekday holidays, on weekends and during the period from 7:01 p.m. to 6:59 a.m. on weekdays.
 - (5) All setbacks as set forth in 7.5(E.2) of the Chapter must be met.
 - (6) All Federal, State and City air, water, noise and odor quality standards must be met. An air quality permit must be obtained from the Minnesota Pollution Control Agency.
 - (7) Equipment must be screened and located in such a manner as to have the least environmental and aesthetic impact.
 - (8) If the Portable Asphalt Plant was established on the site on the effective date of this ordinance, it may not expand except through a new Interim Use Permit.
 - (9) Any emission stack shall be at least thirty (30) feet higher than the highest land elevation within one-thousand (1,000) feet of facility.

D. **Exceptions.** An Interim Use Permit shall not be required for any of the following:

1. Private Excavation for Building. Excavation for a foundation, cellar or basement of a building if a building permit has been issued.
2. Public Road Excavation. Excavation by state, county, city, or township authorities in connection with construction or maintenance of roads, highways, or utilities, conducted solely within permanent easement areas or rights-of-way.
3. Hook-Ups. Curb cuts, utility hook-ups or street openings for which another permit has been issued by the City.
4. De Minimas Excavation. Excavation less than five hundred (500) cubic yards in area or one foot in depth.
5. Agricultural. Excavation or grading for agricultural purposes.
6. Other. Other activities in which a permit has been issued, site grading is allowed and mineral extraction is clearly an incidental activity.

E. **Performance Standards.** The following performance standards apply to all Mineral Extraction and Manufacturing Facilities in the City:

1. **Zoning District.** Mineral Extraction Facilities are permitted only in the Agricultural (AG), Planned Industrial (PI), Light Industrial (LI) and Office Park Industrial (OPI) Districts as identified on the official Chisago City Zoning Map.

Portable Asphalt Plants and Ready Mix Plants are permitted only in the Planned Industrial (PI), Light Industrial (LI) and Office Park Industrial (OPI) Districts.

2. Minimum Lot Size. Any new Mineral Extraction or Manufacturing Facility must be conducted on Subject Property of forty (40) continuous acres or more owned by the same Owner.
3. Setbacks. No mining, stockpiling or land disturbance with the exception of screening (e.g. berms, planting of trees and other vegetation) and access roads, shall take place within:
 - a. Fifty (50) feet of any property lines road right-of-way or easement which prohibit activity.
 - b. Two-hundred (200) feet of any occupied structures existing at the time of original permitting not owned by the Operator or Owner.
 - c. One hundred (100) feet of any property subdivided into residential lots of five (5) acres or less whether or not owned by the Owner or Operator.
 - d. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than seven hundred fifty (750) feet without berming or five hundred (500) feet with berming from any residential dwelling. Grading

plans affecting pipelines or power line corridors will be evaluated on a case by case basis.

4. Setback Exception. An exception of the property line setback requirement may be granted on a case-by-case basis where the Subject Properties continuing two Mineral Extraction Facilities share a common lot line or when there is adequate screening. The setbacks for all other equipment and activities shall be based upon performance standards for noise, dust control, visual screening and the like.
5. Hours of Operation.
 - a. Those portions of the Mineral Extraction Facility and Manufacturing consisting of excavating shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless specifically authorized by the City. All Mineral Extraction and Manufacturing shall not take place on holidays. In cases of public emergencies, hours of operation may be extended by the City Administrator or designee.
 - b. In cases of time constraints on completion of road construction before the end of the construction season caused by adverse weather conditions and in cases of major road or highway construction projects which cause substantial inconvenience to the traveling public, hours of operation can be extended by the City Council. Authorization will be limited to those functions or government contracts that cannot occur during normal hours of operation. Supporting documentation will be required. Notification and review for extended hours shall be made at a regular City Council meeting prior to the day(s) on which extended hours are requested.
 - c. Hour of operation for manufacturing facilities are set forth in subsection 7.5(C)(4)(a)(4).
6. Fencing. Where deemed necessary by the City, a fence maybe required prior to the commencement or as a condition to the continuous operation of any Mineral Extraction, Manufacturing, operation enclosing the area authorized by the applicable Interim Use Permit or Conditional Use Permit. . If required, fencing must have a minimum of two (2) single strand wires with posts a maximum of twelve (12) feet apart and at least four (4) feet in height.
7. Screening. Where deemed necessary by the City, Mineral Extraction Facilities and Manufacturing operations shall be screened or located in such a manner as to minimize noise, dust, odors, erosion and visual impacts on surrounding properties. If required, the screening shall be a minimum of six (6) feet in height and shall provide a contiguous screening of the area within which such operations are conducted. If required, screening shall be installed prior to commencement of operations or pursuant to other deadlines established by the City.
8. Access. All access roads will be of a sufficient length from a public road so that any turns onto the public road can be completed with a margin of safety. All access

roads shall be maintained so as to minimize noise and dust from vehicles using such access road.

9. Trucking Operations. All trucks traveling to or from the Mineral Extraction Facility or Manufacturing operation shall utilize a 9-ton or greater blacktop, concrete, or gravel road. Operators may be granted a special permit to utilize roadways temporarily posted under 9-tons, provided adequate surety is guaranteed to cover the costs of repairing any damage to roadways. All truck loads leaving any pit regulated by this Chapter are loaded so as to comply with state law and shall be clean of any loose material from the truck including the tires before leaving the operation. It shall be unlawful for the operator of any truck to intentionally use an engine retard braking on any highway, street, parking lot or alley within the City.
10. Dust Control. The Subject Property Owner or Operator must construct, maintain and operate all equipment in such a manner as to minimize on-site and off-site dust conditions. All operations shall meet the standards of the Federal and State regulations.
11. Lighting. Lights used for safety and security purposes maybe installed where necessary provided the light source is directed down away from abutting property and public right-of-way.
12. Noise. No person may operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table I for the receiving land use category specified when measured at or within the property line of receiving land use

Table I. Sound Levels by Receiving Land Use Districts.

Land Use Districts	Day (8:00 a.m.--10:00 p.m.)		Night (10:00 p.m.--8:00 a.m.)	
	L10 Standard	L50 Standard	L10 Standard	L50 Standard
Residential	65 dBA	60 dBA	55 dBA	50 dBA
Commercial	70 dBA	65 dBA	70 dBA	65 dBA
Industrial	80 dBA	75 dBA	80 dBA	75 dBA

For noise relative to period less than L-10 Standard, the following conditions apply: No indoor sound level shall be raised more than six dbc over existing background, and no outdoor sound level shall be raised more than ten dbc over existing background noise level. The limits of the most restrictive district shall apply at the boundaries between the different land use categories. The determination of land use shall be by its zoned designation.

13. Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment.
14. Air Quality. All activities on the Subject Property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits.
15. Water Quality Monitoring. Water quality monitoring will be required when Mineral Extraction or Manufacturing Operations disturbs or utilizes the water table or operates a wash plant. Water levels shall be recorded and samples collected from monitoring wells or water collected or discharged from the Mineral Extraction or Manufacturing area. Water samples shall be analyzed until one year after reclamation is completed. Samples shall be taken and testing results submitted prior to commencement of operation. More frequent monitoring and sampling may be required by the City and done by an independent testing laboratory or an agency chosen by the City. Wells shall be sealed one year after reclamation efforts are complete if the Subject Property is determined to be uncontaminated. Water samples shall be analyzed for diesel range organics, the level of petroleum products and hydrocarbons or as requested by the City. All required monitoring shall be completed at the cost of the applicant for the required permit.
16. Storage. No vehicles and equipment of materials not associated with the Mineral Extraction Facility or Manufacturing Operation not in operable condition may be kept or stored in public view on the Subject Property.
17. Explosives. The use of explosives is strictly prohibited.
18. General Compliance. Without limiting the requirements of this Section 7.5, all the Mineral Extraction and Manufacturing Operations shall conform to all federal, state and local laws.
19. Bond. Prior to the commencement of a new Mineral Extraction or Manufacturing Operations, and as a condition to any Interim Use Permit or Conditional Use Permit required hereunder, a Bond or other financial guarantee, in an amount determined by the City, must be posted by the Operator or the Owner (or both) to assure compliance with this Section 7.5 and the restoration of the site Subject Property.
20. Rehabilitation Plan. A Rehabilitation Plan for the Subject Property as outlined in Section 7.5(J) of this chapter shall be required as a condition to the issuance of any Conditional Use Permit or Interim Use Permit.
21. Additional Regulations and Provisions. The City may review Interim Use Permits annually. When deemed necessary, the City Council may impose additional regulations and requirements to the Interim Use Permit to protect the public health and safety. The city may revoke any Conditional Section 3.6 of the City's zoning ordinance.

- F. **Temporary Processing or Recycling Plant in Conjunction with a Specific Project.** A Temporary Processing Plant located within the Property, right-of-way or adjacent to the specific project, will be allowed without an Interim Use Permit subject to the following conditions:
1. Compliance With Regulations. All Federal, State, and City air, water and noise quality standards must be met.
 2. City Authorization. The City Council shall review and authorize a Temporary Processing or Recycling Plant in Conjunction with a Specific Project.
 3. Minimal Effect. The processing equipment must be located so as to minimize its effect on surrounding property owners.
 4. Limited Duration. The Processing Plant may only be on the property for the duration of the project.
 5. Entrance. If an entrance is not available from the Processing Plant to a road, a rock entrance must be constructed and maintained with appropriate dust control as required in this chapter.
 6. Removal of Material. No materials, outside of the designated right-of-way, may be excavated or removed from the site without an Interim Use Permit.
 7. Restoration. The site shall be restored one (1) year after the road project has been complete.
 8. Performance Standard. The performance standards of 7.5(E) above are met to the satisfaction of the City Administrator or designee.
- G. **A Portable Asphalt Plant in Conjunction with a Specific Road Project.** Portable Asphalt Plants located within the project boundary of a specific road project will be allowed without an Interim Use Permit subject to the following conditions:
1. Compliance with Regulations. All applicable Federal, State and City regulations regarding air, water and noise quality standards must be met. An air quality permit must be obtained from the Minnesota Pollution Control Agency.
 2. City Authorization. The City Council shall review and authorize a Temporary Processing or Recycling Plant in Conjunction with a Specific Project.
 3. Minimal Impact. The Portable Asphalt Plant must be located in such a manner so as to have the least environmental and aesthetic impact.
 4. Minimal Effect. Site selection shall be made as to minimize the effect on the public health, safety, and welfare.

5. Limited Duration. The Portable Asphalt Plant shall be on the property for no longer than the duration of the project.
6. Performance Standards. A bond or other financial guarantee, in an amount determined by the City, must be posted to assure restoration of the site.

H. **Application**. Any application for an Interim Use Permit to operate a Mineral Extraction Facility and Manufacturing shall be submitted to the City on a form supplied by the City. Information may include the following or as required by the City:

1. Narrative. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of materials to be extracted, and other pertinent information to explain the request in detail.
2. Supporting Documentation. Every application shall include submission of supporting documentation which shall include, but not limited to the following:
 - a. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
 - b. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
 - c. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
 - d. An EAW and/or EIS if required by the Environmental Quality Board (EQB).
 - e. Copies of county, state and federal application documents and operating permits.
 - f. A description of the site hydrology and drainage characteristics during extraction. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff.
 - g. A description of the plan to mitigate potential impacts resulting from mineral extraction.
 - h. A description of site screening, landscaping and security fencing.
 - i. If applicable, a plan for groundwater quality protection. A minimum of three (3) cross-sections showing the extent of overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past. The Planning Commission reserves the right to require additional borings if necessary.
3. Rehabilitation Plan. A Subject Property Rehabilitation Plan for permits on Mineral Extraction Facilities and Manufacturing operations which shall include the grading plans, topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and the final site restoration. The following minimum standards and conditions apply:
 - a. Final grades may not exceed their original grade.

- b. A minimum of four (4) inches of topsoil shall be placed.
 - c. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions include areas returned to agricultural production.
 - d. Soil erosion and sedimentation control measures shall be consistent with MPCA's "Protecting Water Quality in Urban Areas."
 - e. Rehabilitation of the Subject Property shall be done within twelve (12) months after expiration or termination of the permit or such other period time agreed to by the City.
4. Maps. The following maps which shall include the entire Subject Property and all property within five hundred (500) feet of the Subject Property. Maps shall include title, name, phone and address of operator and land owner. All maps shall be drawn at a scale of one (1) inch to one-hundred (100) feet unless otherwise stated below or as accepted by the City:
- a. Map A: Aerial Photo. Map A and B maybe combined if contents are legible.
 - b. Map B: Existing Conditions to include:
 - (1) Survey indicating property boundaries.
 - (2) Legal description of the property.
 - (3) Names and current land use of the adjacent landowners including all those within a one-quarter (1/4) mile radius of the boundary line of the subject property.
 - (4) Contour lines at ten (10) foot intervals.
 - (5) Existing vegetation.
 - (6) Existing drainage and permanent water areas.
 - (7) Existing structures.
 - (8) Existing wells and private sewer systems of record.
 - (9) Existing pipelines, power lines and other utilities.
 - (10) Easements and Right-of-ways.
 - c. Map C: Proposed operations to include:
 - (1) Property boundaries.
 - (2) Structures to be erected.
 - (3) Location of sites to be mined showing depth of excavation.
 - (4) Location of tailings deposits showing maximum height deposits.
 - (5) Topographic data at contours at two (2) foot intervals.
 - (6) Location of processing areas and machinery to be used in the mining operation.
 - (7) Location of storage of mined materials, showing height of storage deposits.
 - (8) Location of vehicle parking.
 - (9) Erosion and sediment control structures.
 - (10) Haul routes.
 - (11) Water courses, wetlands, wooded areas, and rock outcrops.
 - (12) Power transmission poles and lines

(13) Other significant features as deemed necessary by the City.

d. Map D: Rehabilitation Plan to include:

- (1) Property boundaries.
- (2) Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
- (3) Location and species of vegetation to be replanted.
- (4) Location and nature of any structure to be erected in relation to the end use plan.
- (5) Turf Rehabilitation Plan.

I. **Existing Uses.** All existing Mineral Extraction Facilities and Manufacturing Operations for which permits must be obtained under Section 7.5 in order for them to be in compliance with Section 7.5 may continue to operate as long as the operator thereof has filed any application as needed with the City by August 31, 2010.

J. **Effective Date.** This Section 7.5 shall be effective on and after its publication as required by law.

Sections Omitted

9.1 DEFINITIONS

9.2 DEFINITIONS

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give the same meaning as they have in common usage to give this ordinance the most reasonable application. For purposes of this ordinance must and shall are mandatory and not permissive.

1. Accessory Building or Structure. A subordinate structure that is located on the same lot on which the principal building is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building. A building is considered an accessory structure if the footprint exceeds 25 square feet and/or 6 feet in height. An attached or detached garage is considered an accessory structure.
2. Accessory Use. A subordinate use which is located on the small lot on which the principal use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use.
3. Agriculture Uses. Those uses commonly associated with the growing of produce on farms. These include field crop farming, pasture for hay, fruit growing, tree, plant, shrub, or flower nursery without buildings, truck gardening, roadside stand for sale in season, and livestock raising and feeding; but not including fur farms, commercial animal feed lots, and kennels.
4. Alteration. To change or make different; remodel or modify.
5. Animals, Domestic Farm. As defined in Municipal Code Chapter 151.
6. Animals, Domestic Pets. As defined in Municipal Code Chapter 151.
7. Animals, Non-Domestic: As defined in Municipal Code Chapter 151
8. Antenna. That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon, fiber, or other electromagnetically conductive rods or elements, to the extent not pre-empted by the Federal Communications Code.
9. Artificial Obstruction. Any obstruction which is not a natural obstruction.
10. Automobile Repair, Major. General repair, rebuilding or reconditioning of engines in motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning; and upholstering.
11. Auto Repair, Minor. Maintenance, repair or replacement of the alternator, generator, starter, water pump, battery, brakes, or part thereof. Minor tune-up which consists of distributor cap, rotor, and spark plug replacement. Change of oil and filter, fan belt, or hoses. Others include lamp replacement, repair of flat tires, and lubrication.

12. Automobile Service Station. A place where gasoline, stored only in underground tanks, kerosene, motor oil, and lubricants for operation of automobiles are related directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
13. Automobile Reduction Salvage Yard. Any place where any vehicles not in running condition and/or not licensed, or parts thereof are stored in the open and are not being restored to operation for a period of more than thirty (30) days; or land, building or structure used for dismantling or storing of such motor vehicles or parts thereof, and including any commercial salvaging, and scavenging of any other goods, articles or merchandise.
14. Basement. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
15. Bed and Breakfast. An owner or manager occupied dwelling in which a room or rooms are rented on a nightly basis for 1 or more nights for periods of less than a week. Meals may or may not be provided.
16. Bed and Breakfast Unit. A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
17. Bluff.
 - a. A topographic feature such as a hill, cliff or embankment having the following characteristic:
 - (1) Part or all of the feature is located in a shoreland area;
 - (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
 - (3) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the Ordinary High Water level averaging thirty (30%) percent or greater; and
 - (4) The slope drains towards a water body.
 - b. An area with an average slope of less than eighteen (18%) percent over a distance of fifty (50) feet or more shall not be considered part of the bluff
18. Bluff Impact Zone. A bluff and land located within thirty (30) feet from the top of a bluff.
19. Bluff, Toe Of. The lower point of a fifty (50) foot segment with an average slope exceeding 18% percent.
20. Bluff Line. A line along the top of a bluff connecting the points at which the bluff, proceeding away from the river, lake or adjoining watershed channel becomes less than a fifteen (15%) percent incline from the horizontal. The location of the bluff line for any particular property shall be determined by the Zoning Administrator. More than one bluff line may be encountered proceeding away from the river or adjoining watershed channel; all setbacks required herein shall be applicable to each bluff line.

21. Boarding House. Home in which lodgers rent one or more rooms for one or more nights.
22. Boathouse. A structure designed and used solely for the storage of boats and boating equipment.
23. Buffer. The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.
24. Buildable Area. The contiguous portion of a lot remaining after each of the following features are subtracted:
 - a. Wetlands and peat or muck type soils.
 - b. Areas below the Ordinary High-water Level of water bodies.
 - c. Areas prone to flooding as indicated in the City Floodplain Management Regulations.
 - d. Steep slopes 25%+.
 - e. Areas subject to easements or other encumbrances prohibiting building.
25. Buildable Lot. A lot of record prior to January 1, 1973 which meets the development requirement of this Title.
22. Building. Any structure used or intended for supporting or sheltering any use or occupancy.
23. Building Code. The MN State Building Code adopted by the City Council.
24. Building Height. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the decline of a mansard roof, to the uppermost point on other roof types.
25. Building Line. A line running parallel with the bluffline, ordinary high water mark or lot line, whichever is applicable, at the required setback beyond which a structure may not extend.
26. Building Official. The designated authority charged with the administration and enforcement of the State Building Code.
27. Building Setback. The minimum horizontal distance between the building and the specified lot line or other feature such as an easement as determined by the City as prescribed in this Ordinance.
28. Business. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
29. Campground. An area accessible by vehicle and containing campsites, cabins, or camping spurs for tent and/or trailer camping.
30. Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

31. Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
32. Clear-cutting. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
33. Club or Lodge. A non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.
34. Cluster Development. A pattern of subdivision development which places housing units into compact groupings while providing commonly owned open space.
35. Commercial Agriculture. The use of land for the growing and/or production of field crops, livestock and livestock products for sale.
36. Commercial Planned Unit Development. Uses that provide transient short term lodging spaces, rooms or parcels and whose 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.
37. Commercial Uses. The use of land or buildings for the sale or trade of products, goods and/or services.
38. Community Sewage Treatment Facility. Any public or private system for the treatment of greywater and effluent from more than one dwelling unit, business, or other contributing unit. Both community sewage treatment facilities and municipal sanitary sewer are considered central sewers.
39. Comprehensive Plan. The comprehensive development plan prepared and adopted by Chisago City, indicating the goals, objectives, and land use map for guiding the present and future development of the Town.
40. Concept Plan. The first plan submitted to the city portraying the general concept, layout and design of proposed project.
41. Conditional Use. A land use that may be allowed, with or without appropriate conditions or restrictions that is generally compatible and desirable within a particular zoning district, has an unusually significant and major impact on public facilities or the use and enjoyment of nearby properties, and requires the exercise of discretion in determining satisfactory locations and characteristics.

42. Conditional Use Permit. A permit issued by the City in accordance with procedures specified in this Ordinance, as well as its compatibility with the Chisago City Comprehensive Plan, as a flexible device to enable the City to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems or potential conflicts which the proposed use presents.
43. Conservancy. The implementation of polices for the protection and preservation of the natural character of lands for their value to scenic enjoyment native vegetation, wildlife, water and soil conservation, flood plain management, forestry and other-such purposes.
44. Convenience Store. Retail food sales outlet of fifteen hundred (7500) sq. ft. or less, which may include fuel and other common use items, and may or may not include a car wash.
45. Crown Cover. The ratio between the amount of land shaded by the vertical protection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.
46. Day Care Facilities. A facility for operating less than 24 hours per day that provides training, supervision, recreation, and/or medical services for children from infant to pre-school age, for the disabled, or for the elderly, on a regular basis.
47. Deck. A horizontal unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a building and extending more than one foot above ground.
48. Density. The number of dwelling units permitted per acre of land.
49. Deposition. Any rock, soil, gravel, sand or other material deposited naturally or by man into a water body, watercourse, flood plain or wetland.
50. Development. The construction, addition, installation or alteration of any structure, the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course, current or cross section of any water body or water course of the division of land into two or more parcels.
51. Development Permit. Any subdivision, planned unit development, zoning permit, grading permit, plat approval, rezoning, special use permit or variance.
52. Dimensional Requirement. Minimum and maximum setbacks, yard requirements and structure height or size restriction established in the zoning ordinance.
53. District. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
54. Diversion. A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

55. Double-front lots. A lot which has a front line abutting on one street and a back or rear line abutting on another street.
56. Draining. The removal of surface water or groundwater from land.
57. Dredging. To enlarge or clean-out a water body, watercourse or wetland.
58. Drive-in / Drive-through Establishment. An establishment which accommodates the patron's motor vehicle, from which products may be purchased and consumed either on-site in the motor vehicle, or off-site; or from which business may be transacted.
59. Dwelling. A building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including hotels, motels, boarding houses, nursing homes, trailers, tents, trailer coaches or lodging rooms.
60. Dwelling – Attached. A residential dwelling which is joined to another dwelling.
61. Dwelling – Detached. A residential dwelling which is entirely surrounded by open space.
62. Dwelling – Multifamily. A residential dwelling designed for 2 or more families, with the number of families in residence not exceeding the number of dwelling units provided.
63. Dwelling-Single Family. A detached residential dwelling unit designed for occupancy of one (1) family only.
64. Dwelling-Two-Family. A detached residential dwelling containing 2 dwelling units designed exclusively for occupancy of two (2) families living independently of each other.
65. Dwelling Unit. A residential building or portion thereof intended for occupancy by one family or not more than five persons unrelated by blood, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.
66. Earth Sheltered Buildings. Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth and the Minnesota Building Code standards promulgated pursuant to Section 16.85 are satisfied. Partially completed buildings shall not be considered earth sheltered.
67. Eating and Drinking Establishments. Establishment within a building or group of buildings designated for the eating of food and drinking of (including liquor).
68. Engineer, City. The professional engineer engaged by the governing body for services.
69. Entertainment and Amusement Services. The use of the land for a bowling alley, golf, pool hall, dance ball, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, riding stables, resorts, campgrounds, deer park, and similar uses

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.

70. Equal Degree of Encroachment. A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on both sides of a stream are reduced by an equal amount when calculating the increases.
71. Essential Services. Gas, underground 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 in conjunction therewith.
72. Family. An individual or two (2) or more persons related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit maintaining a common household and using common cooking and kitchen facilities; as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, and assisted living facility
73. Feedlots. A lot or building or a group of lots and buildings intended for the confined feeding, breeding, raising or holding of animals, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered feedlots.
74. Farm. A tract of land ten (10) or more acres which is principally used for agriculture activities such as the production of cash crops, livestock, or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operations of the farm.
75. Farm, Hobby. Small farm that is maintained without expectation of being a primary source of income.
76. Fence. A barrier forming a boundary to, or enclosing some area.
77. Finished Living Area. An area within a residential dwelling which has finished walls, floors, and ceilings (e.g. sheetrock, taped, and sanded).
78. First Story. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.
79. Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in inundation of normally dry areas.
80. Flood Frequency. The frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

81. Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study, Chisago County, Minnesota and incorporated Areas.
82. Flood Plain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
83. Flood-Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
84. Floodway. The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
85. Floor Area. The area included within the surrounding exterior walls of a building or portion thereof, including the sum of the gross horizontal area of several floors of a building, exclusive of hallways, utility space, restrooms, window showcases, ornamental space not used for assembly, or the like.
86. Floriculture uses. The cultivation of flowers, especially of decorative flowering plants.
87. Forestry. The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidroads, landing area and fences.
88. 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.
89. Garage – Public. A building or portion of a building, except as herein 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.
90. Ghost Plat. A concept of how the land within a subdivision or lot split will be subdivided into urban lots in the future. The layout shall include lots, streets, easements and preservation areas, if applicable.
91. Grade (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between a building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
92. Grading. Changing the natural or existing topography of land.
93. 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.

94. Historic Building and Structure. A structure which has been identified by the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the City.
95. Home Occupation. Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling or the neighborhood.
96. Horticulture — Non Retail. The growing of fruits, vegetables, flowers and ornamental plants.
97. Hotel. Any building or portion thereof providing provisions for six (6) or more guest, in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and in which ingress and egress to and from all rooms is through an inside lobby or office, supervised by a person in charge..
98. Impervious Surface. An artificial or natural surface through which water, air, or roots cannot penetrate.
99. Industrial Use. The use of land or buildings for production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items; all permitted, conditional and accessory uses allowed in the “I” district.
100. Interim Use Permit. A permit for temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
101. Kennel. Any place where three (3) or more dogs or four (4) animals, including cats, over the age of six (6) months are kept, boarded, trained or offered for sale except when located in a pet shop or veterinary clinic/hospital. A kennel may include secured outdoor runs and/or play areas.
102. Landscaping. Planting and maintaining trees, shrubs and ground cover, such as grass.
103. Light Construction Equipment. Any equipment that can be operated and transported by hand. Such equipment would include tampers, jack hammers, and smaller hand tools, for example.
104. Loading space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries.
105. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of this Ordinance, a lot shall be considered to be an individual parcel, which shall be occupied by no more than one principal building or use and its accessory buildings.
106. Lot Area. The area of a horizontal plane within the lot lines.

107. Lot of Record. A parcel of land, whether subdivided or otherwise legally described of record prior to the adoption of zoning ordinances approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the City.
108. Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
109. Lot, Frontage. The front of a lot shall be that boundary abutting a public right-of-way.
110. Lot, Interior. Including through lots, excluding corner lots.
111. Lot, Line. A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
112. Lot, Through. A lot fronting on two parallel streets.
113. Lot, Width. The width of a lot shall be considered the distance between straight lines connecting the front lot width at setback. For shoreland width, measurements shall be the distance between straight lines connecting the back lot width at the ordinary high water level.
114. Lot Measurement. The depth of a lot shall be considered the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front of the rearmost points of the side lot lines in the rear.
115. Manufactured Home (Mobile Home). A structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning; and electrical systems contained in it. A manufactured home is commonly referred to as a mobile home or trailer home.
116. Manufactured Home Park. Any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. A manufactured home park is commonly referred to as a trailer park or mobile home court.
117. 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.

118. Medical Uses. Those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent home, orphan's home, rest home and sanitarium.
119. Mineral. Sand, gravel, rock, clay, and similar higher density non-metallic natural minerals.
120. Mineral Extraction. The removal of sand, gravel, rock clay and other minerals from the ground.
121. Mineral Extraction Facility. Any area that is being used for removal, stockpiling and storage, of sand, gravel, topsoil, clay, and other minerals.
122. Modular Homes. A single-family dwelling constructed in modules or sections in a factory and then delivered to their intended site of use. The modules are assembled on a foundation into a single residential building using either a crane or trucks.
123. Motor Fuel Station. A place where gasoline and diesel fuel (stored only in underground tanks), kerosene; motor oil and lubricants for operation of automobiles, are related directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
124. Name Plate. A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
125. Natural Drainage System. All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off
126. 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.
127. Nonconforming Structure, Use, or Parcel. Any legal use, structure, or parcel of land already of existence, recorded, or authorized before the adoption of official controls or amendments that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
128. Nursing Home (Rest Home). A state licensed facility or that part of a facility which provided care for aged or infirm persons who require nursing and personal care and related services in accordance with state regulations. A nursing home may be a residential healthcare facility, an intermediate care facility, or a long term care facility.
129. Obstruction. Any dam, wall, wharf, embankment, levee, dike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter, in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

130. 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 (1) truck of the type typically used in the particular business.
131. Open Sales Lot. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sales.
132. Ordinary High Water Level. Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage the ordinary high water level shall be the operating elevation of the normal summer pool.
133. Overlay District. A zoning district shown as an overlay on the zoning map. Both underlying and overlay district regulations apply to land use activity.
134. Parking Space. An area of not less than nine (9) feet in width and twenty (20) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
135. Preliminary Plan. A descriptive proposed plan of a proposed development project.
136. 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.
137. Person. An individual, firm, partnership, association, corporation, or organization of any kind.
138. Planned Industrial-use Development. A district identified geographically on the zoning map where a mix of residential and light industrial services can be accommodated in an integrated and compatible pattern.
139. Planned Mixed-use Development. A district identified geographically on the zoning map where a mix of residential and commercial and/or retail services can be accommodated in an integrated pattern.
140. Planned Unit Development. A development consisting generally of mixed land uses and housing types in which densities are calculated on a project-wide basis; permitting the clustering of houses or buildings and the provision of common open space intended to create a more flexible, creative and efficient approach to the use of land and subject to the procedures, standards and regulations contained in this title.
141. Planning Commission. The planning agency of the City, designated by the City Council.

142. Pole Building. A building which is primarily supported by poles rather than by a framework of dimension lumber. The sides generally consist of a steel product.
143. Prefabricated Home. A single family dwelling unit which is prefabricated in parts or components at a central factory and transported to a building site where file installations are made permanently.
144. Principal Use. The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
145. Public Roads. Any town, municipal, county, state or federal road or highway.
146. Public Facilities. Facilities owned or operated by Chisago City, school districts, county, state or other governmental units.
147. Public Open Space. Open space owned or operated by Chisago City, School districts, county, state or other governmental units.
148. Semi-Public Facilities. Facilities partially but not entirely open to the use of the public. Maintained partially or entirely by a private, nonprofit organization.
149. Semi-Public Open Space. Open space partially but not entirely open to the use of the general public. May be maintained partially or entirely by a private nonprofit organization.
150. Public Waters. Any waters as defined in Minnesota Statutes 1980, Section 105.37, Subdivision 14 and 15. 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.
151. Reach. A hydraulic engineering term used 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.
152. Recreation Entertainment. The use of the land for a bowling alley, golf, pool hall, dance ball, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, riding stables, resorts, campgrounds, deer park, and similar uses 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.
153. Recreational Vehicle. A vehicular portable structure used for amusement, vacation, or recreational activities including but not limited to travel trailers, motor homes, camping trailers, snowmobiles, boats, bicycles, and motorcycles.
154. Recycling Facility. A site permitted by the Minnesota Pollution Control Agency, and Chisago City, used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

155. Recycling Collection Site. A site permitted by Chisago City, used to drop-off glass, cardboard, plastic, paper, and aluminum for recycling. No hazardous wastes are allowed on the site. The only processing allowed must be done within a completely enclosed and insulated structure. Such processing shall generally be limited to lass separation, and can sorting and crushing.
156. 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.
157. Regulatory Flood Protection Elevation. A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this ordinance are required to be elevated or flood proofed.
158. Research. Medical, chemical, electrical, metallurgical or other scientific research and quality control, conducted in accordance with the provisions of this Ordinance.
159. Residential Day Care. A home that provides training, supervision, recreation, and/or medical services for children from infant to pre-school age, for the disabled, or for the elderly, on a regular basis operating less than 24 hours per day.
160. Residential District. The RR-1, RR-2, R-1, R-2, R-3 and R-4 Zoning Districts, are Residential Districts in this Title. The (A) Agricultural District is primarily intended to provide areas for agricultural uses, but for zoning purposes shall also be considered a residential district.
143. Resort. A commercial establishment that includes buildings, lodges, dwelling units, parking areas, recreation areas, recreational equipment, camping or recreational vehicle sites, or enclosures or any part thereof kept, used, maintained or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to persons seeking recreation, for periods of one day or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. The establishment must be primarily service oriented for transient lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle sites, or enclosures must be included in the resort rental business. Resorts must not allow residential use of a dwelling unit or site, except dwelling uses as residences for the service provider. To qualify as a resort, a resort must be fully licensed and permitted under appropriate state regulations. The entire parcel of land must be controlled and managed by the licensee.
144. Restaurant. An establishment which serves food in or on non-disposable dishes, to be consumed primarily while seated at tables or booths within the building.
145. Retail Sales. The transfer of goods for an agreed to amount of money or other consideration directly to customers from an ordinary store or at the regular customer price and in small amounts rather than in bulk and/or wholesale.
146. Retirement Homes. Residential dwelling units occupied by retired and/or elderly individuals.

147. Rural Cluster. A method of subdivision to maintain the rural character of Chisago city by preserving agricultural land, woodlands, natural corridors and other significant natural features while allowing residential development.
146. Screening. The presence of vegetation or topography which renders a structure on any property visually inconspicuous.
147. 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.
148. Setback. The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level, or between a structure or sewage treatment system and a bluff, road, highway or property line.
149. Setback, Front Yard. The minimum horizontal distance between a structure and a platted roadway or the right-of-way of a road. If there is a utility easement along the front property line of a lot, and that easement is specifically intended as a multiple use easement for utility and pedestrian trail or walkway purposes, then the front yard setback is the minimum horizontal distance between a structure and the utility easement.
150. Sewage Disposal System. Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.
151. Shore Impact Zone. The land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the structure setback.
152. Shoreland. Land located within the following distances from the public water:
- a. 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
 - b. 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The limits of shoreland 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 of the Minnesota Department of Natural Resources.
153. Sign. Any letter work, symbol, model, printed, projected or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction or informative device including structural and compound parts that is located outdoors and is larger than 1 square foot in area.
154. Sign Area. The area within the marginal lines or extreme outside edge of the surface that bears the advertisement, or in the case of messages, figures, or symbols attached directly to any part of a building, that area included in the smallest rectangle that can be made to circumscribe any message, figure, or symbol displayed thereon. For a sign with not more than 2 back-to-back faces, only the area of 1 side is computed in determining the sign area. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.

155. Sign, Banner. Attention getting devices that resemble flags and are of a paper, cloth or plastic like consistency.
156. Sign, Construction. Any sign that displays information regarding the construction or development of the site in which it is displayed.
157. Sign, Development Identification. A sign that identifies the name of a residential, commercial or industrial development at a street entrance to the development.
158. Sign, Directional. Signs which provide directions to businesses, churches, parks and similar facilities for the benefit of the traveling public. The sign may include the name of the facility and direction, but shall not contain advertising.
159. Sign, Electronic. A sign or portion thereof displaying electronic images, graphics, or pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area.
160. Sign, Flashing. An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.
161. Sign, Government. A sign which is erected by a governmental unit for the purpose of identification and directing or guiding traffic.
162. Sign, Identification. A sign containing principally the name of the individual or establishment occupying the premises, and which also may include the street address, telephone number, or other information identifying the use.
163. Sign, Illuminated. Any sign which is lighted by an artificial light source, either directed upon it or illuminated from an interior source.
164. Sign, Motion. A sign that has revolving parts or signs which produce moving effects through the use of illumination.
165. Signs, Off Premise. Any sign that advertises anything other than the business located on the same lot.
166. Sign, On Premise. Any sign that advertises anything other than the business, product, etc. located on the same site as the sign is located.
167. Sign, Pedestal. A ground sign usually erected on one (1) central shaft or post, which is solidly affixed to the ground.
168. Sign, Permanent. Any sign other than a temporary sign.
169. Sign, Portable. A sign so designed as to be movable from 1 location to another that is not permanently attached to the ground, sales display device, or structure.

170. Sign, Political Campaign. Signs or posters announcing the candidate(s) seeking political office and/or political issues, and data pertinent thereto.
171. Sign, Public. Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and when said signs are erected by or on order of a public officer or employee in the performance of official duty.
172. Sign, Real Estate. A sign offering property (land and/or buildings) for sale, lease or rent.
173. Sign, Temporary. Any sign which is erected or displayed for a specified period of time.
174. Sign, Roof. A sign erected upon or above a roof or parapet of a structure.
175. Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, lands between the ordinary high water mark and the riverway boundary having an angle of ascent or descent of more than 12% from the horizontal, but less than 18%.
176. Slope, Steep. The degree of deviation of a surface from the horizontal, expressed in percent or degrees, lands having an angle of ascent or descent of 18% or more from the horizontal in residential zoning districts.
177. Stable. A building for the shelter and feeding of domestic animals, particularly for horses.
178. Street. A public right-of-way which affords a primary means of access to abutting property.
179. Street, Collector. A street which serves or is designed to serve as a trafficway for a neighborhood or a feeder to a major road.
180. Street, Intermediate or Minor Arterial. A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
181. Street, Local. A Street intended to serve primarily as an access to abutting properties.
182. Street Pavement. The wearing or exposed surface of the roadway used by vehicular traffic.
183. Street Width. The width of the right-of-way measured at right angles to the centerline of the street.
184. Story. That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more

than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such as basement, cellar, or unused underfloor space shall be considered as a story.

185. Structure. Any building or appurtenance that is manufactured, constructed or erected that is normally attached to or positioned on land, including attached decks, except aerial or underground utility lines, such as a sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting facilities. The building or appurtenance can include portable or temporary structures.
186. Structural Alteration. Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
187. Subdivision. The separation of one or more portions of a lot from another portion of that lot by deed, metes and bounds description, devise, intestacy, lease, map, plat or other document, whether recorded or unrecorded, which vests or otherwise contracts for the conveyance of title, or any interest therein, of any such portion or portions to a person, persons or an entity other than the owner of record; provided that the term subdivision shall not be construed to apply to a mortgage against a parcel complying with the minimum dimensional requirements herein: scenic easements; easements for the installation, construction and maintenance of public utilities; and easements of road access.
188. Substandard Structure. Any structure established before the effective date of this ordinance, which is permitted within a particular zoning district but does not meet the structure setbacks or other dimensional standards of this ordinance.
189. Substandard Use. Any use existing prior to the date of this ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this ordinance.
190. Tree. Any woody plant that has at least one trunk with a diameter of six inches or greater measured at breast height.
191. Tower. Any pole, spire, structure, or combination thereof; including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.
192. Transfer Facility. A site specifically licensed by the Minnesota Pollution Control Agency under this Ordinance to collect garbage, rubbish, other mixed municipal solid waste and recyclable and transport to markets or further processing centers.
193. 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.

194. Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
195. Usable Open Space. A required ground area or terrace area on a lot which is 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 usable open space.
196. Variance. A modification, variation, or exception from the literal requirements of this ordinance.
197. Vegetation. The sum total of plant life in some area or a plant community with distinguishable characteristics.
198. Waterbody. 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.
199. Watercourse. A channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year around or intermittently.
200. Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
201. Watershed Management or Flood Control Structure. A dam, floodwall, wing dam, 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 period from the Commissioner of the Minnesota Department of Natural Resources.
202. Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes: (1) have a predominance of hydric soils; (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances support a prevalence of such vegetation. An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics.
 - c. Vegetation belonging to the marsh (emergent aquatic) bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to

wetland types 1, 2, 3, 4, 5, 6, 7, and 8, described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S" , 1956).

- d. Mineral soils with gray horizons or organic solids belonging to the Histosol order (peat and muck).
 - e. Soil which is water logged or covered with water at least three months of the year. Swamps, bogs, marches, potholes, wet meadows, and sloughs are wetlands, and properly may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at time be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
203. Wildlife. All free living animals.
204. Woodland. A group of trees at least one-half acre in area and with a crown cover of 50 percent or greater.
205. 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.
206. Yard – Front. A yard extending across the front of the lot fronting on a dedicated street between the side lot lines and lying between the front line of the lot and the nearest line of the building.
207. 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.
208. 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.
209. Zoning Administrator. A person appointed by the City Council to administer and enforce the Zoning Ordinance.
210. Zoning Map. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.
211. Zoning District. An area or areas within the county in which the regulations and requirements of this ordinance are applied.

(Adopted: January 2000. Amended: February 10, 2009)