Cook County

Zoning Ordinance #37

Version 2-24-2026

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Article 1 Purpose and Intent

An Ordinance establishing comprehensive zoning regulations for that portion of Cook County, Minnesota, outside the incorporated limits of municipalities, in accordance with the provisions of Minnesota Statutes, Chapter 394 and 105.485, and all acts amendatory thereof, to promote the health, safety, morals and general welfare of the inhabitants by dividing the county into zones and regulating therein the uses of land and the placement of all structures with a view to encouraging the most appropriate use of the land in the county, and to recognize and preserve the economic and natural environmental values of all lands within the county.

Article 2 Definitions

Sec. 2.01 For the purpose of this ordinance, certain words are hereby defined. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular includes the plural; the word shall is mandatory, and the word may is permissive; the words used or occupied include the words intended, designed or arranged to be used or occupied.

Sec. 2.02 Airport – Any locality, either on land or water, which is regularly used or intended to be used for the landing and take off, storage, or servicing of one or more aircraft.

Sec. 2.03 Accessory Dwelling – A structure used as a dwelling that may contain sleeping spaces, kitchen facilities and/or bathroom facilities, in addition to those provided in the principal structure.

Sec. 2.04 Accessory Structure – A structure on the same lot with, and customarily incidental and subordinate to, a principal structure.

Sec. 2.05 Attorney – The County Attorney of Cook County, Minnesota or their authorized representative.

Sec. 2.06 Auditor – The County Auditor-Treasurer of Cook County, Minnesota or their authorized representative.

Sec. 2.07 Basement – Is that portion of a building that is partially or completely below grade and the floor to ceiling height is 7.0 feet or more.

Sec. 2.08 Bed and Breakfast Home – An establishment in a residential dwelling that supplies temporary accommodations and a morning meal to overnight guests for a fee where an owner or manager resides on the premises.

Sec. 2.09 Bluff – "Bluff" means a topographical feature such as a hill, cliff, or embankment, having all of the following characteristics (See Figure 1):

A. Part or all of the feature is located in a shoreland area;

B. The slope rises at least 25 feet above the ordinary high water level of the water body*;

C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

D. The slope must drain towards the water body.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

*The OHWL on Lake Superior is set at 601.5 ft solely for the purposes of bluff determinations, as stated in the North Shore Management Plan. The permanent vegetation line acts as the OHWL for determining jurisdictional boundaries and is determined at the DNR's discretion.

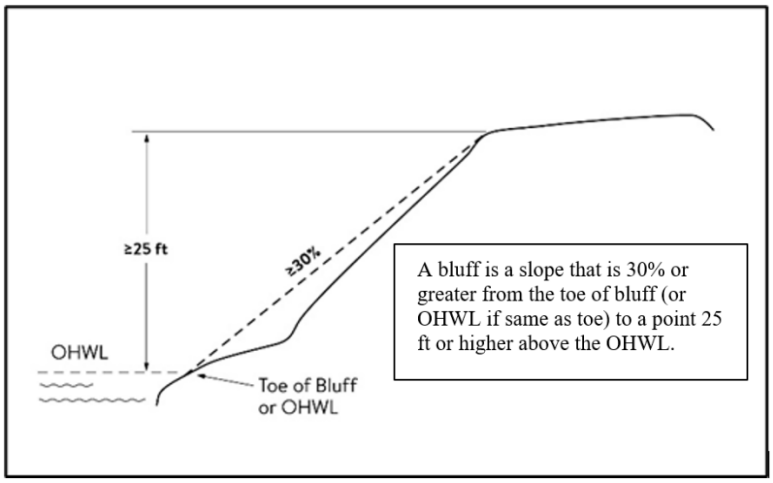


Figure 1. Illustration of Bluff

Sec. 2.10 Bluff Impact Zone – "Bluff impact zone" means a bluff and land located within 20 feet from the top of the bluff. See Figure 2.

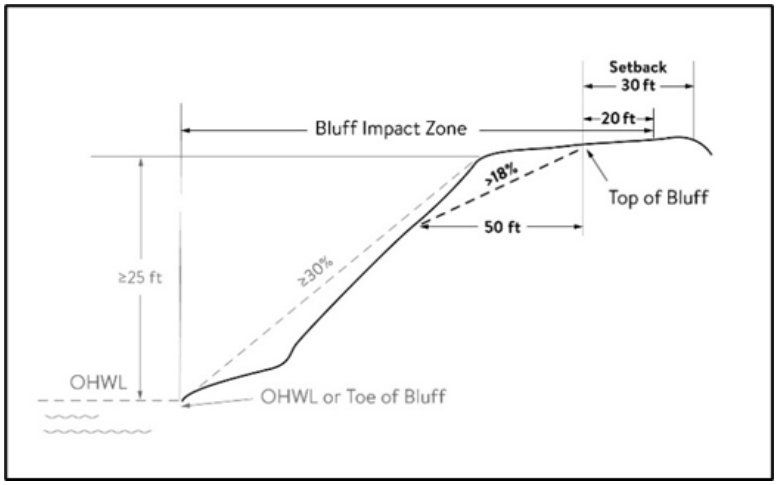


Figure 2. Illustration of Bluff Impact Zone

Sec. 2.11 Board of Adjustment – The Board of Adjustment for Cook County, Minnesota, as created by ordinance pursuant to Minnesota Statutes 394.27 and all acts amendatory thereof.

Sec. 2.12 Boarding/Lodging Home – A dwelling, other than a hotel, motel or resort, where lodging, with or without meals, is provided for pay to three or more persons for periods of 30 days or more.

Sec. 2.13 Boardwalk - A permanent above grade constructed walkway, not to exceed 4 ft. in width, used to provide a travel way.

Sec. 2.14 Boathouse – An accessory structure used for the sole purpose of the storage of watercraft and directly related equipment.

Sec. 2.15 Borrow Pit – A land use involving the excavation or digging of material for use as fill on the same site.

Sec. 2.155 Boundary Line Adjustment – The relocation of a boundary line between two or more existing parcels and meets the provisions of Section 5.145.

Sec. 2.16 Buffer – The use of land topography, spaces or screening to separate uses or structures from other uses or structures.

Sec. 2.17 Building – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

Sec. 2.18 Building Height – The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure, to the highest point of the roof.

Sec. 2.19 Building Line – The line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this ordinance.

Sec. 2.20 Building Measurement – The exterior square footage of a building including the basement, first floor, second floor, third floor, loft, porches and decks, and including all open leans supported by posts or diagonal bracing. Roof overhangs projecting up to 2’ from the outside of the exterior walls shall not be included in the total footage. See also Sec. 5.08.

Sec. 2.21 Building measurement/ additional floors – The procedure utilized by the Cook County Assessor for determining the square footage of a loft or attic where the side walls are less than 7 feet high. (Square Footage – Method for Calculating: ANSI Z765-2013)

Sec. 2.22 Bunkhouse/Commercial – A resort property building used as sleeping quarters for paying guests staying less than 30 days that has no sanitation or cooking facilities.

Sec. 2.23 Bunkhouse/Residential – A residential structure used for sleeping quarters with no sanitation or cooking facilities.

Sec. 2.24 Campground – An open-air recreation area where temporary shelters such as tents and travel trailers, are intended to provide short term occupancy.

Sec. 2.244 Cervid – An animal that is a member of the family Cervidae and includes, but is not limited to, white-tailed deer, mule deer, red deer, elk, moose, caribou, reindeer, and muntjac.

Sec. 2.245 Cervid Farm – Use of land to possess or contain one or more cervids that is registered with the Minnesota Board of Animal Health and meets all the requirements for farmed Cervidae in Minnesota Rules parts 1721.0370 to 1721.0420 and Minnesota Statutes, Sections 17.452; 35.153; 35.155; 97A.401, subdivision 3; and 97A.505, Subdivision 8 and all amendatory acts thereof.

Sec. 2.25 Commissioner – Depending on the context: 1. An elected member of the Cook County Board of Commissioners; 2. An appointed member of the Cook County Planning Commission; or 3. The Commissioner of the Minnesota Department of Natural Resources.

Sec. 2.26 Comprehensive Plan – The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for future development of the county or any portion of the county.

Sec. 2.27 County Board – The County Board of Commissioners of Cook County, Minnesota.

Sec. 2.28 Crawl Space - Is that portion of a building not used for human habitation that is partially or completely below grade and the floor to ceiling height is less than 7.0 feet.

Sec. 2.29 DNR – Minnesota Department of Natural Resources.

Sec. 2.30 Deck/Attached – A horizontal platform, any part of which is more than 12 inches off the ground, except railings or seats, attached or adjacent and functionally related to a building or recreational vehicle.

Sec. 2.31 Deck/ Detached – A horizontal platform greater than 64 square feet in size not attached or adjacent to a building and any part of which is more than 12 inches off the natural ground level, except railings and seats.

Sec. 2.32 Duplex – A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.

Sec. 2.33 Dwelling – Any building or portion thereof with provisions for living, sanitation and sleeping and designed or used exclusively as the residence of one or more persons, but not including a tent, travel trailer, bunkhouse, boarding or rooming house, hotel or motel.

Sec. 2.34 Dwelling, Single-Family – A structure designed for one family only, with an approved sewage disposal system.

Sec. 2.35 Dwelling, Multiple-Family – A structure designed for or occupied by two or more families with separate housekeeping and cooking facilities for each, with an approved sewage disposal system.

Sec. 2.36 Extractive Uses – 1. Surface or subsurface mining or removal of metallic materials, peat, rock, gravel, sand, or soils. Generally in reference to commercial activity but not limited to

such. 2. The activity and methods of processing extracted material, including crushing, screening, trucking, and stockpiling, and the related machinery.

Sec. 2.37 Family – One or more persons occupying a single housekeeping unit and using common cooking facilities.

Sec. 2.38 Guest House – An accessory building to a permitted single family dwelling intended for the inhabitation of non-rent paying guests, and is maintained and owned by the primary residents.

Sec. 2.39 Habitable Structure – Any building designed as short or long term living quarters for one or more people, including but not limited to: houses, bunkhouses, cabins, yurts, condominiums, hotels and motels.

Sec. 2.40 Habitation – Short or long term occupation of a dwelling as a living space by one or more people.

Sec. 2.41 Home Business – A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ no more than five (5) persons who are not residents of the owner's home, which is consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.

Sec. 2.42 Home Occupation – A use of a non-residential nature conducted entirely within the dwelling or accessory building and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not include an operational activity that is otherwise incompatible with the surrounding area.

Sec. 2.43 Hotel/Motel/Resort – A lodging facility under single ownership containing two or more individual sleeping rooms, suites or cabins used primarily for providing accommodations for pay for periods of less than 30 days.

Sec. 2.44 Impervious Surface – A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces include roofs, solid decks, patios, and both paved and compacted gravel driveways and parking areas.

Sec. 2.45 Intensive Vegetation Clearing – "Intensive Vegetation Clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Sec. 2.46 Junk or Salvage Yard – Any place where 3 or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, any place where the salvaging or scavenging of any other goods, articles, or merchandise not contained entirely within enclosed buildings is conducted.

Sec. 2.47 Kennel – Any premises where four (4) or more dogs over six months of age are kept or raised.

Sec. 2.48 Livestock – Farm animals such as horses, cows, sheep, goats, poultry, etc, excluding poultry and rabbits kept as pets or raised for personal use.

Sec. 2.49 Long-term storage/ Semi-trailer – Any freight semi-trailer used on a property to store materials and equipment where the duration of use extends over a winter.

Sec. 2.50 Lot – a parcel of land with a legally defined boundary.

Sec. 2.51 Lot Width – Shall be the narrowest distance between the side lot lines measured at the minimum front setback line. For lakeshore property, the distance shall be the lesser of a measurement at the minimum front setback line and/or a measurement meandering along the shoreline.

Sec. 2.52 Lots of Record – A lot which is part of a subdivision recorded in the Office of the County Recorder or Registrar of Titles of Cook County, Minnesota, or a lot or parcel described by metes and bounds, the description of which has been lawfully created and recorded prior to the date of enactment of this ordinance (May 1, 1984) provided that a lot on Federal or State lands which has been leased out prior to the date of enactment of this ordinance shall be considered a lot of record even though that lot has not been individually recorded in the Office of the County Recorder or Registrar of Titles.

Sec. 2.53 Manufactured Home – Living quarters constructed after June 14, 1976 and designed for transportation after fabrication, on streets and highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and built in conformance with MS 327.31 to 327.35 and all acts amendatory thereof. Units are built in conformity to United States Department of Housing and Urban Development (HUD) standards.

Sec. 2.54 Mobile Home - Living quarters constructed before June 14, 1976 and designed for transportation after fabrication, on streets and highways on its own wheels or on a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and manufactured before the promulgation of the HUD manufactured home standards.

Sec. 2.55 Mobil Home Park – A lot which has been planned and improved for the placement of, or which contains, two or more mobile homes.

Sec. 2.56 Modular Home – Living quarters built in a factory and consisting of a number of separate modules. Completed sections are transported to a local job site where the modules are lifted onto a pre-built foundation using a crane. A local crew completes the home by tying

the sections together. Modular homes are constructed to state and local building codes, not HUD standards.

Sec. 2.57 Motel – See Hotel/Motel/Resort.

Sec. 2.58 Non-Conforming Use – Any legally permissible use in existence or authorized prior to the adoption of this Ordinance, which would not have been permitted to become established under the terms of this Ordinance as adopted or amended, if this Ordinance had been in effect as of the date the use was established.

Sec. 2.59 North Shore Management Zone – All lands between Lake Superior and a line formed by the 40-acre subdivision lines of the rectangular coordinate system established in the U.S. Public Land Survey nearest to the landward side of a line 1,000 feet from the shoreline of Lake Superior or 300 feet landward from the centerline of U.S. Highway 61, whichever is greater.

Sec. 2.60 Open Area – "Open Area" includes all portions of a gravel pit where pre-existing vegetation has been removed, topsoil has been stripped, and excavation (with stockpiling) has begun. Areas intended for travel and/or equipment storage do not constitute open area and are not included in the open area calculation.

Sec. 2.61 Ordinary High Water Elevation, OHW – A measure of water surface level used by the Minnesota DNR to define the water line to be used when determining shoreline setbacks. See definition in Sec. 2.59 Shoreline Setback.

Sec. 2.62 Ordinary High Water Level – A reference to the boundary of public waters and wetlands which is determined as the margin where aquatic vegetation changes to terrestrial vegetation, as caused by the highest water level which has been maintained for a sufficient length of time to leave evidence on the landscape. The level of water at this margin is the Ordinary High Water Elevation. Other terms used in this Ordinance which shall have equal definition are: shoreline, normal high water mark.

Sec. 2.63 Planned Unit Development – A type of development having a unified site design for a number of separately owned dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Sec. 2.64 Planned Unit Development – Commercial "Commercial Planned Unit Developments" are uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented. For example, hotel/motel accommodations,

resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Sec 2.65 Planned Unit Development – Residential "Residential Planned Unit Development" means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments when not used for transient, short-term lodging.

Sec. 2.66 Planning Director – The Director of the Land Services Department responsible for the divisions of Planning and Zoning, Solid Waste/ Recycling, Environmental Health, and Land Commissioner/ Parks and Trails.

Sec. 2.67 Planning & Zoning Administrator – The Planning and Zoning Administrator of Cook County, Minnesota or their designated representatives, herein after referred to as Planning and Zoning Administrator or Administrator.

Sec. 2.68 Planning Commission – The Planning Commission of Cook County, Minnesota, as created by Ordinance.

Sec. 2.69 Principal Building/ Structure – A building in which is conducted the principal use of the parcel on which it is located.

Sec. 2.70 Public Water/Protected Water – for purposes of this Ordinance, public waters shall be deemed only those bodies of water or water courses designated in the Department of Natural Resources Protected Waters and Wetland Inventory.

Sec. 2.71 Recreational Vehicle – a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, park models, tiny homes, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Sec. 2.72 Recreational Vehicle – "Incidental Use" means intermittent use of the vehicle on the property when the recreational vehicle is on and off the property as the owners bring the unit up to the property for a period of time between April through December 31st and removes it from the property for storage at an alternative property.

Sec. 2.73 Recreational Vehicle – "Permanent Seasonal Use" is the parking of the vehicle on the property throughout the year and used permanently or intermittently. Subject to permitting requirements.

Sec. 2.74 Resort – See Hotel/Motel/Resort.

Sec. 2.75 Screening – The use of fences or permanent landscape plantings to reduce visual impact of a structure or use upon adjacent structures or uses.

Sec. 2.76 Setback – The minimum horizontal distance between where a structure may be placed and the normal high water mark, road centerline, road right-of-way, front side, or rear lot line, well, sewage soil absorption and/or soil treatment area.

Sec. 2.77 Shore Impact Zone – "Shore Impact Zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. See Figure 3.

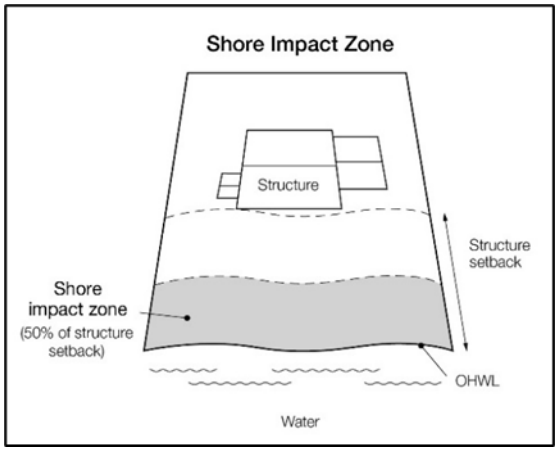


Figure 3.

Sec. 2.78 Shoreland – All lands located within the following distance from the normal high water mark of a public water, except within the North Shore Management Planning Area:

A. 1,000 feet from a lake, pond, or flowage; and

B. 300 feet from a river or stream.

Sec. 2.79 Shoreline Setback – The minimum horizontal distance between a principal building and the ordinary high water elevation of a lake, stream or river as established by the Minnesota Department of Natural Resources. Setback for placement of structures on Lake Superior shall be 40 feet from the vegetation line (see definition Sec. 2.73).

Sec. 2.80 Small Livestock – Farm animals such as rabbits, chickens and gamebirds.

Sec. 2.81 Soil Absorption System Setback – The minimum horizontal distance between a soil absorption sewer system and the normal high water mark of any lake, stream, or river as established by the Minnesota Department of Natural Resources, except for Lake Superior which shall be the minimum horizontal distance between the soil absorption sewer system and the vegetation line.

Sec. 2.82 Steep Slope – Steep slopes are lands having average slopes of 12% or more, as measured over horizontal distances of 50 or more, that are not bluffs.

Sec. 2.83 Structure – Anything more than 30 inches high placed, constructed, erected, including portable buildings, manufactured homes and mobile homes. Fences, utility poles, lawn lights, antennae, and related minor equipment shall not be considered structures.

Sec. 2.84 Substandard Structures/Continuing Structural Non-Conformity – Any structure in existence prior to the adoption of the modern Cook County Zoning Ordinance on May 1, 1984, which supports or contains a use which is permitted within the zoning district in which the structure is situated, but which structure does not meet the minimum lot area, setback or other dimensional requirements of said zoning district.

Sec. 2.85 Substantially Begun – The progress in the construction of a building where the exterior walls and roof framing have been completed so the structure's setbacks and finished height can be accurately determined.

Sec. 2.85.5 Tiny Home - A small dwelling often moved to a property on its own wheels. These types of units require permitting and are either permitted as an RV or as a structure, depending on the duration and type of use. Park Models are also included in this definition for the purposes of permitting requirements.

Sec. 2.86 Toe of the Bluff – The lower point of a 50-foot segment with an average slope exceeding 18 percent. See Figures 1 and 2.

Sec. 2.87 Top of the Bluff – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

Sec. 2.88 Travel Trailer – See Recreational Vehicle.

Sec. 2.89 Unincorporated Area – Those areas lying outside the incorporated limits of Grand Marais.

Sec. 2.90 Use – The purpose or activity for which land and buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Sec. 2.91 Vacation Rental Home – Means any home, cabin, condominium or similar building that is advertised as, or held out to be, a place where sleeping quarters are furnished to the public on a nightly, weekly, or for less than a 30-day time period and is not a bed and breakfast.

Sec. 2.92 Variance – The modification or relief from a County Ordinance where it is demonstrated that the strict enforcement of Ordinance provisions would result in a practical difficulty for the property owner.

Sec. 2.93 Vegetation Line – The line along Lake Superior at which high water or high wave action prevents the growth of permanent or woody vegetation. On solid rock where no vegetation grows or where there are undulations of the vegetation line, the Zoning Administrator may determine an average vegetation line for setback purposes.

Sec. 2.94 Water-Oriented Accessory Structure or Facility – "Water-oriented accessory structure or facility" means a small, above ground building or other improvement except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Example of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Sec. 2.95 Yard – A required open space unoccupied and unobstructed by any structure.

Sec. 2.96 Yard, Front – A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback, or in the case of water frontage only, laying between the normal high water mark and the shoreline setback.

Sec. 2.97 Yard, Side – A yard extending from the front lot line to the rear lot line, and extending from the side lot line a distance equal to the minimum side yard setback for accessory structures.

Sec. 2.98 Yard, Rear – A yard extending across a lot between the inner side yard lines, and extending from the rear lot line or shoreline to the minimum rear yard or shoreline setback.

See figure 4, a sketch of a typical lot, to show the location and arrangement of the various yards as defined above. In lots with both road setback and shoreline setback, both shall apply.

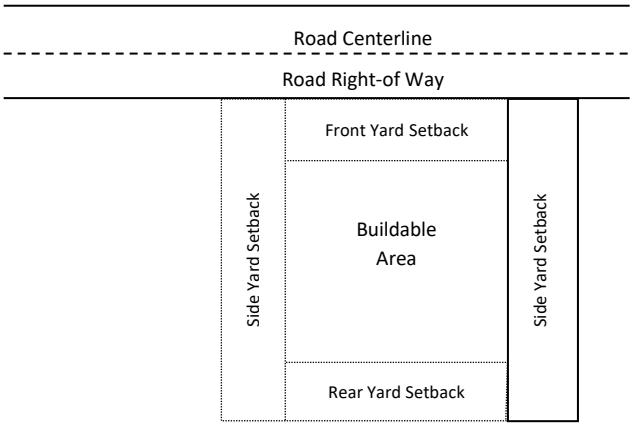


Figure 4

The County may reference Moskowitz, Harvey S., and Lindbloom, Carl G. The Illustrated Book of Development Definitions, Rutgers University, Center for Urban Policy, for any terms not expressly defined within this Ordinance.

Article 3 No Service Zone

Sec. 3.01 Findings and Purpose

The Cook County Board of Commissioners finds that as of the date of enactment of this Ordinance, there are sufficient areas of Cook County served by public roads with nearby public school bus, and other services, to allow for such residential and commercial development as is likely to be needed for the foreseeable future, and further, that additional public roads with nearby public school bus, and other services, would unreasonably burden the taxpayers of the County. The Board further finds that there are those who wish to establish residential and commercial uses on land not within said areas already served by public roads, school bus service and other public services. In the past, the Board has zoned those non-service areas so that residential and commercial development could not occur, because of the inordinate expense to taxpayers to extend public services further. However, the Board is willing to permit such development within such non-serviced areas if there are guarantees that persons developing in such areas will not require extension of the already overextended public services within sole discretion of the Board. Therefore, such development may only occur subject to the restrictions of this Article.

Sec. 3.02 Designation and Map of No Service Zone

The Board hereby delineates portions of Cook County as a No Service Zone. The location and boundaries of said No Service Zone are set forth on the attached zone district map. The Board may from time to time amend this Ordinance to add or delete No Service Zones in its sole discretion.

Sec. 3.03 Restrictions on Development

A. If a lot or parcel is located within the No Service Zone, the following shall not be permitted:

1. Issuance of a land use permit or any use requiring a land use permit;

2. Establishment of a commercial or residential (permanent or seasonal) use where none existed before;

3. Re-establishment of a commercial or residential (permanent or seasonal) use on the property which has not been used for such purposes for the preceding period of one year or more;

4. Expansion of a seasonal residential use to a year round residential use qualifying as a homestead for tax purposes; and

5. Any use in existence at the time of adoption of this Ordinance, which was in violation of the immediately preceding Ordinance, and which would require a land use permit under this Ordinance if newly established.

B. Provided, however, that the restrictions, listed in Sec. 3.03(A), may be waived by the County, acting through the Planning and Zoning Administrator, with regard to specific property, if the property and its owner on behalf of their self, their heirs, successors and assigns, have met all other requirements of this Ordinance and have agreed to the following conditions:

1. Any access to said property shall be maintained without public expense, except insofar as maintenance at public expense is already provided or may be provided in the sole discretion of the governing board having authority to provide such public maintenance.

2. The owner, their heirs, successors or assigns, shall not require public school bus service or reimbursement for private transportation of school children to any point closer than such services exist at the time or as they may be extended in the sole discretion of the appropriate governing body.

3. Full compliance shall be made with the Minnesota Compulsory School Attendance laws at the sole expense of the parent, guardian or person in charge of the affected children, not withstanding the convenience or inconvenience of the school bus routes or transportation reimbursement arrangements existing at the time.

4. An agreement shall be signed by the owner and filed with the Administrator, who shall record the same with the County Recorder, waiving the services and rights described above and agreeing to accept the responsibilities and burdens outlined above, which shall be binding on the owner, their heirs, successors, assigns, employees and agents.

Article 4 Zone Districts and District Requirements

Sec. 4.01 District Enumerated

For purposes of this Ordinance, Cook County is hereby divided into zone districts, as follows:

4.05	FAR-1	Forest/Agriculture Recreation District
4.06	FAR-2	Forest/Agriculture Residential District
4.07	FAR-3	Forest/Agriculture Residential District
4.08	LSR	Lake Shore Residential District
4.09	R-1	Single Family Residential District
4.10	LR-1	Lutsen Town Center Single Family Residential District
4.11	LR-2	Lutsen Town Center Residential Incentive District
4.12	LTGC	Lutsen Town Center General Commercial
4.13	LMGC	Lutsen Mountaintop General Commercial District
4.14	TMU	Tofte Mixed Use District
4.15	TP	Tofte Park District
4.16	TGC	Tofte General Commercial District
4.165	SMU	Schroeder Mixed Use District
4.17	RC/R	Resort Commercial/Residential District
4.18	GC	General Commercial District
4.19	LI	Light Industrial District
4.20	HI	Heavy Industrial District
4.21	BDA	Business Development Area
4.22	LBDA	Light Business Development Area
4.23	WAOD	Wildwood Acres Overlay District
4.24	ROSO	Residential Open Space Overlay District

Sec. 4.02 Zone District Map

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said Map is hereby made a part of this Ordinance. Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Planning & Zoning Administrator 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 on file in the Office of the Planning & Zoning Administrator.

Sec. 4.03 Zone District Boundaries

The boundaries between districts are, unless otherwise indicated, the centerlines of highways, roads or railroad right-of-way or such lines extending or lines parallel or perpendicular thereto; or lines on a registered plat; or section, half section, quarter-section,

quarter-quarter-section or other fractional section lines of United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road centerline at a distance indicated.

In the Lake Shore Residential Zone District, the zone district boundary shall extend 300 feet back from the shoreline of each lake, river or stream designated in Appendix I, attached herein and made a part hereof. Provided that, additional land may be included in such district by amendment to the Zoning Map when such addition is a continuation of platted shoreland or otherwise consistent and in harmony with existing lakeshore development and surrounding development.

Sec. 4.04 Future Jurisdiction

Any land placed under the jurisdiction of this Ordinance in the future shall be placed in the Single Family Residential District until placed in another district by action of the Board of Commissioners after recommendation from the County Planning Commission.

Sec. 4.045 Prohibitions in All Zone Districts

Unless otherwise provided for under the provisions for any specific Zone District within this Ordinance, Cervid Farming shall be considered a prohibited use in all zone districts within Cook County.

Sec. 4.05 FAR-1 Forest/Agriculture Recreation District

The principal purpose of the Forest/Agriculture Recreation (FAR-1) District is to provide for forest management, agriculture uses and recreational activity in the less developed areas of the County.

A. Permitted Uses:

1. Forest management facilities and temporary chipping, debarking and sawmill operations.
2. Forest harvesting and replanting based on a specific management plan by the appropriate Federal, State or County agency.
3. Orchards, harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, collection and processing of maple syrup, and livestock grazing.
4. Kennels.
5. Single Family dwelling, manufactured homes and modular homes.
6. Farming, including the raising of crops and livestock.
7. Home occupations.
8. One accessory structure up to 3,000 square feet without the existence of a principal structure.
9. Vacation Rental Home.
10. Recreational Vehicle.

B. Conditional Uses:

1. Commercial bunkhouse operation.
2. Private and public recreational facilities such as camping areas, golf courses, etc.
3. Schools, churches, and fire stations.
4. Home business.
5. Mobile homes.
6. Riding Stables.
7. Bed and breakfast homes.
8. An accessory structure in excess of 3,000 square feet, or any more than one accessory structure without the existence of a principal structure.

C. Requirements

1.	Minimum lot area		20 Acres
2.	Minimum lot width		600 Feet
3.	Lot line setbacks:		
	a.	Rear Yard	50 Feet
	b.	Side Yard	50 Feet
4.	Road Setbacks (from centerline):		
	a.	State Highway	130 Feet
	b.	County Road	85 Feet
	c.	Other Public and Private Roads	65 Feet
	d.	Or 35 feet from right-of-way line, whichever is greater.	
5.	Maximum building height		35 Feet

Sec. 4.06 FAR-2 Forest/Agriculture Residential District

The principal purpose of the Forest/Agriculture Residential (FAR-2) District is to provide for permanent or seasonal residential uses at a low density. Farming, forestry operations and other rural activities are also allowed.

A. Permitted Uses:

1. Single family dwelling, manufactured homes and modular homes.
2. Farming, including the raising of crops and livestock.
3. Forest crop plantations, harvesting, temporary chipping and debarking operations.
4. Orchards and harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, collection and processing of maple syrup.
5. Home occupations.
6. One accessory structure up to 3,000 square feet without the existence of a principal structure.
7. Vacation Rental Home.
8. Recreational Vehicle.

B. Conditional Uses:

1. Commercial bunkhouse operation.
2. Public and private parks, playground and recreational areas.
3. Mobile homes.
4. Sawmills, chipping and debarking operations.
5. Riding stables and kennels.
6. Home business.
7. Schools, churches, rest homes and fire stations.
8. 2-4 family dwelling in a single structure.
9. Bed and breakfast homes.
10. An accessory structure in excess of 3,000 square feet, or any more than one accessory structure without the existence of a principal structure.

C. Requirements:

1.	Minimum lot area		10 Acres
2.	Minimum lot width		300 Feet
3.	Lot line setbacks		
	a.	Rear Yard	50 Feet
	b.	Side Yard	50 Feet
4.	Road setbacks (from centerline)		
	a.	State Highway	130 Feet
	b.	County Road	85 Feet
	c.	Other public and private roads	65 Feet
	d.	Or 35 feet from right-of-way line, whichever is greater.	
5.	Maximum building height		35 Feet

Sec 4.07 FAR-3 Forest/Agriculture Residential District

The principal purpose of the Forest/Agriculture Residential (FAR-3) District is to provide for permanent and seasonal areas at a medium density. Farming and other rural activities area also allowed.

A. Permitted Uses:

1. Single family dwelling, manufactured homes and modular homes.
2. Farming, including the raising of crops and livestock.
3. Orchards and harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, collection and processing of maple syrup.
4. Forest crop plantations and harvesting.
5. Home occupations.
6. One accessory structure up to 3,000 square feet without the existence of a principal structure.
7. Vacation Rental Home.
8. Recreational Vehicle.

B. Conditional Uses:

1. Commercial bunkhouse operation.
2. Public and private parks, playground and recreational areas.
3. Mobile homes.
4. Temporary chipping, debarking and sawmill operations.
5. Riding stables and kennels.
6. Home business.
7. Schools, churches, hospitals, rest homes and fire and police stations and government buildings.
8. 2-4 family dwelling in a single structure.
9. Livestock for commercial purposes.
10. Bed and breakfast homes.
11. An accessory structure in excess of 3,000 square feet, or any more than one accessory structure without the existence of a principal structure.

C. Requirements:

1.	Minimum lot area		5 Acres
2.	Minimum lot width		200 Feet
3.	Lot Line Setbacks		
	a.	Rear Yard	50 Feet
	b.	Side Yard	25 Feet
4.	Road Setbacks (from centerline)		
	a.	State Highway	130 Feet
	b.	County Road	85 Feet
	c.	Other public and private roads	65 Feet
	d.	Or 35 feet from right-of-way, whichever is greater.	
5.	Maximum building height		35 Feet

Sec 4.08 LSR Lake Shore Residential District

The principal purpose of the Lake Shore Residential (LSR) District is to provide for residential uses on certain first tier lakeshore on specific lakes and rivers as described in Section 4.03. Public and private parks are allowed on a conditional use basis.

A. Permitted Uses:

1. Single family dwelling, manufactured homes and modular homes.
2. Wildlife refuges and game management habitat areas.
3. Home occupations.
4. One accessory structure up to 1,000 square feet without the existence of a principal structure.
5. Vacation Rental Home.
6. Recreational Vehicle.

B. Conditional Uses:

1. Public and private parks, playground and recreational areas.
2. Mobile homes.
3. Riding stables.
4. Home business.
5. Schools, churches, rest homes and fire stations.
6. 2-4 family dwelling in a single structure.
7. Farming, including raising of crops and livestock.
8. Boarding, lodging homes, or bed and breakfast homes.
9. Planned unit developments – Residential.
10. An accessory structure in excess of 1,000 square feet, or any more than one accessory structure without the existence of a principal structure.

C. Requirements:

1. Minimum lot area 1 Acre

   Except: Planned unit development, which requires three (3) acres minimum lot size.
2. Minimum lot width 150 Feet
3. Lot Line Setbacks
   a. Rear Yard 25 Feet

	b.	Side Yard	10 Feet
4.	Road Setbacks (from centerline)		
	a.	State Highway	130 Feet
	b.	County Road	50 Feet
	c.	Other public and private roads	50 Feet
	d.	Or 35 feet from right-of-way, whichever is greater.	
5.	Maximum building height		35 Feet

Sec. 4.09 R-1 Single Family Residential District

The principal purpose of the Single Family (R-1) District is to provide for residential uses at a higher density, generally adjacent to or near developed areas, major roadways or other sources of services. Multiple residential units, mobile home parks and limited commercial uses are allowed on a conditional use basis in this district.

A. Permitted Uses:

1. Single family dwelling, manufactured home and modular homes.
2. Home occupations.
3. One accessory structure up to 1,000 square feet without the existence of a principal structure.
4. Vacation Rental Home.
5. Recreational Vehicle.

B. Conditional Uses:

1. Mobile homes and mobile home parks.
2. Public parks and recreation areas.
3. Municipal, County State or Federal administration buildings, museums, art galleries, libraries, post offices, or other community service buildings.
4. Schools, churches, hospitals, rest homes, fire and police stations.
5. Golf courses, clubhouse, public swimming pool.
6. 2-4 family dwelling in a single structure.
7. Planned unit developments – Residential.
8. Home business.
9. Raising of small livestock.
10. Boarding or lodging homes, and bed and breakfast homes.
11. Multiple family dwellings (5 or more units).
12. An accessory structure in excess of 1,000 square feet, or any more than one accessory structure without the existence of a principal structure.

C. Requirements:

1.	Minimum lot area	2 Acres
	Except: Lots on Lake Superior	1 Acre

Except: For conditional uses “2”, “6” and 11, lot area required shall be 5,000 square feet per living unit, but not less than two (2) acres AND for planned unit development, minimum lot area is 3 acres. For Planned Unit Developments that fall within the extended subdivision controls jurisdictional boundaries of any municipality in accordance with Minnesota Statute 462, minimum lot size shall be determined by that municipality which will be processing the Planned Unit Development proposal.

2. Minimum lot width — 200 Feet
3. Lot line setbacks
   a. Rear Yard — 50 Feet
   b. Side Yard — 10 Feet
4. Road setbacks (from centerline)
   a. State highway — 130 Feet
   b. Except: Private garages — 100 Feet
   c. County road — 50 Feet
   d. Other public and private roads — 50 Feet
   e. Or 35 feet from right-of-way, whichever is greater.
5. Maximum building height — 35 Feet

Sec. 4.10 LR-1 Lutsen Town Center Single Family Residential District

The principal purpose of the Lutsen Town Center Single Family Residential (LR-1) District is to provide for residential uses at a higher density, generally adjacent to or near developed areas, major roadways or other sources of services. Multiple residential units are allowed on a conditional use basis in this district.

A. Permitted Uses:

1. Single family dwelling/manufactured home.
2. Public parks and recreation areas.
3. Home occupations.
4. Accessory uses.

B. Conditional Uses:

1. Temporary Recreational Vehicle.
2. 2-4 Single family dwelling in a single structure.
3. Planned unit developments – Residential.
4. Boarding or lodging homes, tourist homes, or bed and breakfast homes.
5. Multiple family dwellings (5 or more units).

C. Requirements:

1. Minimum lot area
   a. With water systems [(1)] .25 Acre
   b. Without systems [(2)] 2 Acres
2. Minimum lot width
   a. With water systems [(1)] 75 Feet
   b. Without systems [(2)] 200 Feet
3 Minimum lot depth
   a. With water systems [(1)] 120 Feet
   b. Without systems [(2)] 350 Feet
4. Percent of allowable lot coverage 30%
5. Lot area per multiple dwelling unit – 5,000 additional square feet for each dwelling unit over two in number.
6. Lot line setbacks

	a.	Front	25 Feet
	b.	Side	10 Feet
	c.	Rear	25 Feet
	d.	Corner (2 street exposure)	25 Feet from each ROW line
7.		Maximum building height	35 Feet
8.		Minimum building width	17 Feet

Note: (1) – If common drinking water, common waste water collection and treatment systems, curb and stormwater drainage systems installed.

(2) – If systems in (1) not installed.

Sec. 4.11 LR-2 Lutsen Town Center Residential Incentive District

The principal purpose of the Lutsen Town Center Residential Incentive (LR-2) District is to provide for residential uses at a higher density, generally adjacent to or near developed areas, major roadways or other sources of services. Multiple residential units are allowed on a conditional use basis in this district.

A. Permitted Uses:

1. Single family dwelling/manufactured home.
2. Public parks and recreational areas.
3. Home occupations.
4. Accessory uses.

B. Conditional Uses:

1. Temporary Recreational Vehicle.
2. 2-4 family dwelling in a single structure.
3. Planned unit developments – Residential.
4. Boarding or lodging homes, tourist homes, or bed and breakfast homes.
5. Multiple family dwellings (5 or more units).
6. Vacation Rental Homes.
7. Home businesses.
8. Mobile Homes.
9. Mobile home parks.
10. Rest homes.
11. Small livestock.

C. Requirements:

1. Minimum lot area

a.	With water systems [(1)]	.75 Acre*
b.	Without systems [(2)]	2 Acres

2. Minimum lot width

a.	With water systems [(1)]	100 Feet
b.	Without systems [(2)]	200 Feet

3. Minimum lot depth

a.	With water systems [(1)]	120 Feet
b.	Without systems [(2)]	350 Feet

4. Percent of allowable lot coverage — 25%

5. Lot area per multiple dwelling unit: 5,000 additional square feet for each dwelling unit over two in number.

6. Lot line setbacks (structures only)

a.	Front (building line to ROW)	25 Feet
b.	Side	25 Feet
c.	Rear	40 Feet
d.	Corner (2 street exposure)	40 Feet

7. Maximum building height — 35 Feet

8. Minimum building width — 17 Feet

Note: (1) – If common drinking water, common waste water collection and treatment systems, curb and stormwater drainage systems installed.

(2) – If systems in (1) not installed.

* If units are served by a common wastewater collection and treatment system, density of units may be increased by up to 150% (that is, instead of potentially 20 units per 40 acres at 2 acres per unit, 30 units could be built) and the minimum lot size can be as low as three-quarters (.75) acre, as long as the average lot size is at least 1.33 acres.

Sec. 4.12 LTGC Lutsen Town Center General Commercial District

The principal purpose of the Lutsen Town Center General Commercial District is to provide basic commercial services to the public. This district is located in areas of greater population density and activity with good access to major roadways.

A. Permitted Uses:

1. Municipal, county, state or federal administration buildings, police or fire stations, museums, art gallery, library, post office or other community service buildings.
2. Eating and drinking establishments (excluding drive-in service where patron remains in the automobile while purchasing goods or services to be consumed on the premises).
3. Commercial retail sales and service establishments such as: food, drugs, general merchandise, apparel, furniture, hardware, offices, personal and professional services, amusement and recreational services, finance, insurance and real estate services.
4. Wholesale operations confined to the interior of a building, such as: hardware, paper and container, feeds and seeds.

B. Conditional Uses:

1. Single family dwelling or manufactured home when in conjunction with a commercial operation, but only when located off-street, either behind the commercial operation, or above as a second story.
2. 2-4 family dwellings in a single structure, when in conjunction with a commercial operation, but only when located off-street, either behind the commercial operation, or above as a second story.

C. Requirements:

1. Minimum Lot Area

a.	With water systems [(1)]	As Needed
b.	Without systems [(2)]	1 Acre

2. Minimum Lot Width

a.	With water systems [(1)]	N/A
b.	Without systems [(2)]	200 Feet

3. Minimum Lot Depth

a.	With water systems [(1)]	N/A

b.	Without systems [2]	N/A
4.	Lot area per multiple dwelling unit	N/A
5.	Lot line setbacks – Structures only [#]	
a.	Front (building line to right of way line)	
1)	With water systems [1]	N/R
2)	Without systems [2]	50 Feet
b.	Side (each side)	
1)	With water systems [1]	N/R
2)	Without systems [2]	15 Feet
c.	Rear	
1)	With water systems [1]	N/R
2)	Without systems [2]	25 Feet
d.	Corner (2 street exposure)	
1)	With water systems [1]	N/R
2)	Without systems [2]	50 Feet
6.	Boundary line setback for structures from LR Districts	50 Feet
7.	Maximum building height	35 Feet

Note: (1) - If common drinking water, common wastewater collection and treatment systems, curb and stormwater drainage systems installed.

(2) - If systems in (1) are not installed.

N/A Not Applicable

N/R Not Required

(#) Not applicable to setbacks from Highway 61 right-of-way line. Current zoning setbacks apply.

Sec. 4.13 LMGC Lutsen Mountain Top General Commercial District

The principal purpose of the Lutsen Mountain Top General Commercial (LMGC) District is to provide basic commercial services to the public. This district is located in the resort corridor at the ski hill and will primarily serve tourists visiting the area. The provisions contained in this section shall conform to other applicable existing and future provisions or controls of the County Ordinance or any federal, state or county regulations.

A. Permitted Uses:

1. Eating and drinking establishments (excluding drive-in services where patron remains in the automobile while purchasing goods or services).
2. Hotels, motels, resorts, resident camps, bed and breakfast homes, boarding/lodging homes, tourist homes and similar accommodations for short-term rental.
3. Commercial retail sales and service establishments such as food, drugs, general merchandise, apparel, furniture, hardware, museums, art galleries, offices, personal and professional services, amusement and recreation service, canoe and trail outfitters, laundromats, finance, insurance and real estate services.
4. Accessory uses.
5. Wholesale operations confined to the interior of a building, such as: hardware, paper and container, feeds and seeds.
6. Public and private parks, playgrounds and recreation areas.
7. Riding stables and kennels.

B. Conditional Uses:

1. Single family dwelling or manufactured home when in conjunction with a commercial operation, but only when located off-street, either behind the commercial operation, or above as a second story.
2. 2-4 family dwellings in a single structure, when in conjunction with a commercial operation, but only when located off-street, either behind the commercial operation, or above as a second story.
3. Multiple family dwellings (5 or more units).
4. Planned unit developments – Residential.
5. Planned unit developments – Commercial.

C. Requirements:

1. Minimum lot area

a. With systems [1] .25 Acre
b. Without systems [2] 1 Acre

2. Minimum lot width

a. With systems [1] N/A
b. Without systems [2] 200 Feet

3. Minimum lot depth

a. With systems [1] N/A
b. Without systems [2] N/A

4. Lot area per dwelling unit N/A

5. Lot line setbacks

a. Front (building to ROW)

With systems [1] N/R
Without systems [2] 50 Feet

b. Side

With systems [1] N/R
Without systems [2] 15 Feet

c. Rear

With systems [1] N/R
Without systems [2] 25 Feet

d. Corner (2 street exposure)

With systems [1] N/R
Without systems [2] 50 Feet

6. Boundary line setback for structures from RC/R Districts: 50 Feet

7. Maximum building height 35 Feet

8. Diagonal parking allowed with the following considerations:

a. Maximum legal speed shall not exceed 30 mph.

b. At least two through-traffic lanes must be provided.

c. Design consistent with the standards contained in the design chart under Minnesota Rules 8820.9961.

d. Minnesota Statutes, section 169.34, must be adhered to in determining diagonal parking spacing.

e. Must provide a 2 foot clearance from the face of the curb or parking bumper to fixed objects.

Note: (1) If common drinking water, common wastewater collection and treatment systems, curb and storm water drainage systems installed.

(2) If systems in (1) not installed.

N/A – Not applicable.

N/R – Not Required.

Sec 4.14 TMU Tofte Mixed Use District

The principal purpose of the Tofte Mixed Use (TMU) District is to allow for residential density to be greatest near areas of concentration of commercial and public services and employment opportunities, generally adjacent to or near developed areas, major roadways or other sources of services.

A. Permitted Uses:

1. Accessory uses.
2. Single family dwelling/manufactured homes.
3. Single family dwellings when in conjunction with a commercial enterprise.
4. 2-4 family dwellings in a single structure.
5. Vacation Rental Home.
6. Park and recreational areas.
7. Home occupations.

B. Conditional Uses:

1. Multiple family dwellings (5 or more units).
2. Planned unit developments – Residential.
3. Boarding or lodging homes, tourist homes, or bed and breakfast homes.
4. Schools, churches and fire stations.
5. Community service buildings.
6. Eating/drinking establishments (excluding drive-in)
7. Commercial retail sales and service establishments including grocery, restaurants, laundromats, general stores, gasoline sales, gift shops, marine sales and service, bait sales, food, drugs, general merchandise, apparel, furniture, hardware, motor vehicles, automobile service and repair facilities, farm machinery, lumber and building materials, offices, personal and professional services, amusement and recreation services, finance, insurance and real estate services.
8. Home business.

C. Prohibited Uses:

1. Adult entertainment.

D. Requirements:

1. Minimum lot area

	a.	With sewer*	.5 acre
	b.	Without sewer	1 acre
2.	Minimum lot width		50 Feet
3.	Lot line setbacks		
	a.	Front Yard	25 Feet from ROW
	b.	Rear Yard	25 Feet
	c.	Side Yard	10 Feet
4.	Maximum lot coverage		
	a.	1 Acre or more in size	30%
	b.	Less than 1 acre in size	40%
5.	Maximum building height		35 Feet

Note: * Sewer system is owned by or is the responsibility of a public agency or local government entity (Township).

E. Performance Standards for Tofte Mixed Use District:

1. Vegetative buffers will be encouraged to screen parking areas from pedestrian and vehicle traffic.
2. Off street and/or central parking is encouraged to promote pedestrian traffic along streets and walkways.

Sec. 4.15 TP Tofte Park District

A tract of land designated and used by the public for active and passive recreation or other uses as designated for and by the Town of Tofte.

Sec 4.16 TGC Tofte General Commercial District

The principal purpose of the Tofte General Commercial (TGC) District is to provide for the basic commercial services to the public. This district is located in areas of greater population density and activity with good access to major roadways.

A. Permitted Uses:

1. Single family dwelling or manufactured home when in conjunction with a commercial operation.
2. Board or lodging home, tourist homes, or bed and breakfast homes.
3. Parks and recreation areas.
4. Community service buildings.
5. Eating and drinking establishments (excluding drive-in services where patron remains in the automobile while purchasing goods or services to be consumed on the premises).
6. Commercial retail sales and service establishments such as: food, drugs, general merchandise, apparel, furniture, hardware, motor vehicles, farm machinery, lumber and building materials, offices, personal and professional services, amusement and recreational service, finance, insurance and real estate services.
7. Home occupations.
8. Home business.

B. Conditional Uses:

1. Accessory uses.
2. Single family dwellings/manufactured homes.
3. 2-4 family dwellings in a single structure.
4. Multiple family dwellings (5 or more units)
5. Planned unit developments – Residential.
6. Planned unit developments – Commercial.
7. Hotels, motels and resorts.
8. Vacation Rental Home
9. Schools, churches, and fire stations.
10. Drive ins.
11. Community shopping mall.

C. Prohibited Uses:

1. Adult entertainment.

D. Requirements:

1. Minimum lot area
   a. With sewer* .5 Acre
   b. Without sewer 1 Acre
2. Lot line setback
   a. Front (structure to ROW) 20 Feet
   b. Rear 15 Feet
3. Parking
   a. Rear 10 Feet
   b. Side 0 Feet
4. Minimum lot width 50 Feet
5. Maximum lot coverage
   a. Building 50%
   b. Impervious 70%
6. Maximum building height 35 Feet

Note: * Sewer system is owned by, or is the responsibility of a public agency or local government entity (Township).

E. Performance Standards:

1. A minimum of 30% open space will be required on each lot.
2. Vegetative buffers will be encouraged to screen parking areas from pedestrian and vehicle traffic.
3. Off street and/or central parking is encouraged to promote pedestrian traffic along streets and walkways.
4. All land use permits will be reviewed by the Tofte Design Review Board to assure consistency of design to the Town Center Plan.
5. Community shopping mall shall not exceed a maximum size of 7,500 square feet with parking accommodations to be not less than 1 parking space for every 400 square feet of site coverage if office or housing; or not less than 1 parking space for every 5 seats if an eating establishment.

Sec. 4.165 Schroeder Mixed Use District

The principal purpose of the Schroeder Mixed Use (SMU) District is to provide for a mix of basic commercial services to the public and residential uses at a higher density. This district is located in areas of greater population density with good access to Highway 61.

A. Permitted Uses

1. Hotels, motels and resorts (See Sec. 6.06).
2. Single family dwelling, manufactured home and modular homes.
3. Home occupations.
4. One accessory structure up to 1,000 square feet without existence of a principal structure.
5. Vacation rental homes, bed and breakfast homes (See Ord. #62 and Sec. 10.08).
6. Recreational vehicle (See Sec. 5.17 and Sec. 10.09).
7. Parks and recreation areas.
8. Township, county, state or federal administration buildings, museums, art galleries, libraries, post offices or other community service buildings.
9. Eating and drinking establishments (excluding drive-in service where patron remains in the automobile while purchasing goods or services to be consumed on the premises).
10. Commercial retail sales and service establishments such as: food, drugs, general merchandise, apparel, furniture, hardware, motor vehicles, farm machinery, lumber and building materials, offices, personal and professional services, amusement and recreation service, finance, insurance and real estate services.
11. Wholesale and warehousing operations whose operations are principally confined to the interior of a building, such as: food products, automotive parts, drugs, electrical equipment, hardware, paper and container, feeds, and seeds.

B. Conditional Uses:

1. 2-4 family dwellings in a single structure.
2. Multiple family dwellings (5 or more units).
3. Mobile homes and mobile home park (See Sec. 10.09 and Sec. 10.07).
4. Schools, churches, fire stations.
5. Shopping center complexes (See Sec. 6.05).
6. Planned Unit developments- Residential and Commercial (See Ord. #50 and Sec. 8.05).
7. Raising of small livestock.
8. Drive-ins.
9. Automobile service and repair facilities.

C. Prohibited Uses:

1. Adult entertainment.
2. Dog Kennel.

D. Requirements*:

1. Minimum lot area: Residential 2 acre
   All Others 1 acre

   Except: For residential lots on Lake Superior lot area required shall be 1 acre; and for conditional uses, lot area required shall be 5,000 square feet per living unit, but not less than 2 acres in size; and

   For conditional use "8" Planned Unit Development, minimum lot area is 3 acres following PUD standards for other requirements.

2. Lot line setbacks

   a. Rear Yard — Commercial Uses 25 Feet
      Residential Uses 50 Feet

   b. Side Yard 10 Feet

3. Road Setbacks

   a. State Highway: Commercial Uses (from ROW line) 25 Feet
      Residential Uses (from centerline) 100 Feet

   b. County, public or private roads (from centerline) 50 Feet

   c. For Residential Uses, or 35 feet from the ROW, whichever is greater

4. Maximum building height 35 Feet

*See Article 8 "North Shore Management Plan Regulations" for parcels adjacent to Lake Superior or Hwy 61.

Sec. 4.17 RC/R Resort Commercial/Residential District

The principal purpose of the Resort Commercial/Residential (RC/R) District is to provide for the specific commercial activity of resorts, lodges, and outfitters. Residential uses and limited service oriented commercial uses are also allowed.

A. Permitted Uses:

1. Single family dwelling, manufactured home and modular homes.
2. Hotels, motels, resorts, resident camps, bed and breakfast homes, boarding and lodging homes, tourist homes and similar accommodations for short term rental.
3. Canoe and trail outfitters.
4. Grocery, restaurants, laundromats, general stores, gasoline sales, gift shops, marine sales and service, bait sales (where part of an established resort or lodging facility).
6. Public and private parks, playgrounds and recreational areas.
7. Bed and breakfast homes.
8. Vacation Rental Home.

B. Conditional Uses:

1. Camping areas, public or private, tent or vehicle, subject to all applicable state standards.
2. Golf courses and clubhouses.
3. Riding stables and kennels.
4. Private commercial recreational uses requiring specialized equipment, buildings or other facilities.
5. Grocery, restaurants, laundromats, general stores, gasoline sales, gift shops, bait sales, marine sales and service (where not part of a resort or lodging facility).
6. Schools, churches, hospitals, rest homes, fire and police stations.
7. 2-4 family dwellings in a single structure.
8. Planned unit developments – Residential.
9. Planned unit developments – Commercial.
10. Multiple family dwelling (5 or more units).

C. Requirements:

1. Minimum lot area — 5 Acres

Except:

a. Where grocery, restaurants, laundromats, general stores, gasoline sales, gift shops, bait sales, marine sales and service or convenience good sales are not part of a resort or lodge used under the same ownership, a two (2) acre minimum shall apply, and

b. For multiple family dwellings, lot area required shall be 5,000 square feet per living unit but not less than five (5) acres, and

c. For planned unit development, minimum lot area is 3 acres. For Planned Unit Developments that fall within the extended subdivision controls jurisdictional boundaries of any municipality in accordance with Minnesota Statute 462, minimum lot size shall be determined by that municipality which will be processing the Planned Unit Development proposal.

2. Minimum lot width — 300 Feet

3. Maximum building coverage of lot — 15%

4. Lot line setback

a. Rear Yard — 50 Feet
b. Side Yard — 50 Feet

5. Road setbacks (from centerline)

a. State Highway — 100 Feet
b. County Road — 50 Feet
c. Other public or private roads — 50 Feet

d. Or 35 feet from the right-of-way, whichever is greater.

6. Maximum building height — 35 Feet

Sec. 4.18 GC General Commercial District

The principal purpose of the General Commercial (GC) District is to provide for basic commercial services to the public. This district is located in areas of greater population density with good access to major roadways. Limited light industrial activities area allowed on a conditional basis in this zone district.

A. Permitted Uses

1. Hotels, motels and resorts.
2. Public or private schools, churches.
3. Parks and recreation areas.
4. Municipal, county, state or federal administration buildings, police or fire stations, museums, art galleries, libraries, post offices or other community service buildings.
5. Hospital, clinic, rest homes.
6. Automobile service and repair facilities.
7. Eating and drinking establishments (excluding drive-in service where patron remains in the automobile while purchasing goods or services to be consumed on the premises).
8. Commercial retail sales and service establishments such as: food, drugs, general merchandise, apparel, furniture, hardware, motor vehicles, farm machinery, lumber and building materials, offices, personal and professional services, amusement and recreation service, finance, insurance and real estate services.
9. Wholesale and warehousing operations whose operations are principally confined to the interior of a building, such as: food products, automotive parts, drugs, electrical equipment, hardware, paper and container, feeds, and seeds.
10. Marinas on Lake Superior.

B. Conditional Uses:

1. Single family dwelling, manufactured home or modular home when in conjunction with a commercial operation.
2. 2-4 family dwellings in a single structure, when in conjunction with a commercial operation.
3. Mobile home park.
4. Light manufacturing such as wood products, electric and electronic devices, clothing, hardware, metal stamping, printing, tools, instruments and controls.
5. Shopping center complexes.

6. Drive-in restaurants, drive-in theaters, or similar uses that provide goods and services to patrons in automobiles, provided that:
   a. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.
   b. The parking area shall be surfaced with a dust free material, and plan for the arrangement of entrances, exits and parking stalls shall accompany the request for a conditional use permit.
7. Bed and breakfast Home.
8. Planned unit developments – Commercial.

C. Requirements:

1. Minimum lot area: 1 acre

   Except: for conditional uses "1", "2" and "7", lot area required shall be 2 acres; and

   For conditional use "3", lot area required shall be 5,000 square feet per living unit, but not less than 2 acres in size; and

   For conditional use "8" planned unit development, minimum lot area is 3 acres.

2. Lot line setbacks
   a. Rear Yard 25 Feet
   b. Side Yard 10 Feet
3. Road Setbacks (from centerline)
   a. State Highway: Commercial Uses 100 Feet
      Residential Uses 130 Feet
      Private Garages 100 Feet
   b. County Road 50 Feet
   c. Other public or private roads 50 Feet
   d. Or 35 feet from the right-of-way, whichever is greater.

4. Maximum building height 35 Feet

Sec. 4.19 LI Light Industrial District

This district provides designated lands for light industrial activities. Good road access, available utilities and consideration of uses in adjacent districts are necessary for this district.

A. Permitted Uses:

1. Light manufacturing such as wood products, electric and electronic devices, clothing, hardware, metal stamping, printing, tools, instruments and controls.
2. Repair, service or storage of heavy vehicles or equipment.
3. Sawmills, debarking, chipping, wood products storage and other timber processing operations.
4. Warehousing and wholesale business.
5. Offices.

B. Conditional Uses:

1. Bulk oil or chemical storage tanks.
2. Automobile wrecking or junk yards provided that such use is conducted within a building, or that such business (as conducted) is not visible from any public right-of-way, public water or adjacent private land.
3. Permanent dwelling for any personnel involved in any of the permitted or conditional uses.
4. Retail Sales.

C. Requirements:

1.	Minimum lot area	2 Acres
2.	Minimum lot width	200 Feet
3.	Lot line setbacks	
	a. Rear	
	If bordering a non-residential district	20 Feet
	If bordering a residential district	50 Feet
	b. Side	
	If bordering a non-residential district	20 Feet
	If bordering a residential district	50 Feet

Rear yard and side yard setbacks are to be maintained in a natural vegetative state or approved landscaping.

4. Road setbacks (from centerline)

a.	State Highway	130 Feet
b.	County Road	85 Feet
c.	Other public or private roads	65 Feet

5. Maximum building height 35 Feet

Sec. 4.20 HI Heavy Industrial District

This district provides designated lands for heavy industrial activities such as mineral processing and power generation. All uses in this district are permitted by conditional use permit only. Individual review of proposed uses is necessary for proper protection of adjacent uses and the general public safety and welfare.

A. Permitted Uses: None

B. Conditional Uses:

1. Mineral processing.
2. Power generation.
3. Mining.
4. All other heavy industrial uses.

C. Requirements:

1. Minimum lot area 40 Acres
2. Minimum lot width 1,300 Feet
3. Maximum lot coverage will be determined by conditional use process.
4. Lot line setbacks will be determined by conditional use process.
5. Road setbacks will be determined by conditional use process.
6. Maximum building height will be determined by conditional use process.

Sec. 4.21 BDA Business Development Area

It is the purpose of the Business Development Area (BDA) District to create areas suitable for development of manufacturing, warehousing, and other similar industrial uses which are either: a) uses whose operations are relatively free from objectionable influences; or b) uses whose objectionable features will be minimized or eliminated by design and/or appropriate devises. These uses should be compatible with each other and surrounding land uses.

A. Permitted Uses:

1. Light manufacturing included, but not limited to: wood products, electric and electronic devices, clothing, hardware, metal stamping, printing, tools, instruments and controls.
2. Repair, service or storage of heavy vehicles or equipment.
3. Sawmills, debarking, chipping, wood products storage and other timber processing operations.
4. Warehousing and wholesale business.
5. Offices.
6. Retail sales.
7. Public utilities.
8. Research or testing facilities.
9. Accessory uses.

B. Conditional Uses:

1. Bulk oil or chemical storage tanks.

C. Requirements:

1. Minimum lot area

If on public sewer/water system	N/A
If on individual septic treatment system	1 Acre

2. Minimum lot width — None
3. Lot line setbacks

a. Rear Yard

If bordering a non-residential district	20 Feet
If bordering a residential district	100 Feet

b. Side Yard

If bordering a non-residential district	20 Feet

If bordering a residential district	100 Feet

Rear yard and side yard setbacks are to be maintained in a natural vegetative state or approved landscaping.

4. Road setbacks (from centerline)

All public and private roads	65 Feet

5. Maximum building height 35 Feet

D. Business Development Area Performance Standards

1. All required setback areas shall be left in natural vegetation to provide for visual screening from adjacent properties and roadways. Additional planting may be required at the discretion of the Planning Commission to achieve visual screening. No parking areas, service yards, storage areas, lighting or structures are permitted within the required setback areas.

2. Lighting:

   Lighting shall not be placed in the required setback areas. Any lighting must be directed inward and not toward any property line. No upward-directed lighting shall be permitted.

3. Noise:

   Noise, measured at the property line, shall not be objectionable in frequency or intensity. The general noise level of the surrounding properties shall serve as a guide in judging this standard. This ordinance shall adopt by reference Minnesota Pollution Control Agency Rules, Chapter 7030, Noise Pollution Control Rules.

4. Odor:

   Odor from any industrial process must not be discernable at its property line. Processes that are prone to produce objectionable odors must present specific plans for odor control at the time of permit application.

5. Vibration:

   Vibration shall not be discernable to the human sense of feeling at its property line.

6. Smoke:

   Smoke shall be measured at the point of emission and not exceed 20 percent visual opacity.

7. Fumes:

   Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive.

8. Hazards:

Every operation shall be carried on with reasonable precautions against fire and explosive hazards.

Sec. 4.22 LBDA Light Business Development Area Zone District

It is the purpose of the Light Business Development Area (LBDA) District to create areas suitable for development of light manufacturing, warehousing, offices and other similar industrial uses which are either: a) uses whose operations are relatively free from influences that would be reasonably objectionable to an adjacent residential area; or b) uses whose objectionable features will be minimized or eliminated by design and/or appropriate devises. These uses should be compatible with each other and surrounding land uses, including adjacent residential areas.

A. Permitted Uses:

1. Light manufacturing, research or testing facilities contained wholly within the confines of a building, including, but not limited to: wood products, electric and electronic devices, clothing, hardware, metal stamping, printing, tools, instruments and controls.
2. Warehousing, storage and wholesale business.
3. Offices.
4. Public utilities offices, maintenance, and storage facilities contained wholly within the confines of a building.
5. Accessory uses.

B. Conditional Uses:

1. Any of the permitted uses listed above requiring storage or operations outside of the confines of a building.
2. Business planned unit development for above-permitted uses.

C. Requirements:

1. Minimum lot area

If on public sewer/water system	N/A
If on individual septic treatment system	2 Acres

2. Minimum lot width — None
3. Lot line setbacks (Light Business Development Area Perimeter Boundaries)

Rear Yard or Side Yard	
If bordering a non-residential district	20 Feet
If bordering a residential district	50 Feet

4. Road setbacks (from centerline)

All public and private roads	85 Feet

5. Maximum building height — 35 Feet

D. Light Business Development Area Performance Standards

1. All required setback areas shall be left in natural vegetation to provide for visual screening from adjacent properties and roadways. Additional planting may be required at the discretion of the Planning Commission to achieve visual screening. No parking areas, service yards, storage areas, lighting or structures are permitted within the required setback areas.
2. Lighting: Lighting shall not be placed in the required setback areas. Any lighting must be directed inward and not toward any property line. No upward-directed lighting shall be permitted.
3. Noise: Noise, measured at the property line, shall not be objectionable in frequency or intensity. The general noise level of the surrounding properties shall serve as a guide in judging this standard. This ordinance shall adopt by reference Minnesota Pollution Control Agency Rules, Chapter 7030, Noise Pollution Control Rules.
4. Odor: Odor from any industrial process must not be discernable at its property line. Processes that are prone to produce objectionable odors must present specific plans for odor control at the time of permit application.
5. Vibration: Vibration shall not be discernable to the human sense of feeling at its property line.
6. Smoke: Smoke shall be measured at the point of emission and not exceed 20 percent visual opacity.
7. Fumes: Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive.
8. Hazards: Every operation shall be carried on with reasonable precautions against fire and explosive hazards.
9. Appearance: The improvements and the premises shall be kept in a neat, clean and orderly condition. No accumulation or dumping of trash or unsightly materials or equipment shall be permitted on the land.

Sec. 4.23 Overlay Districts

A. Purpose:

To provide overlay zoning districts that additionally regulate uses and the characteristics of uses permitted in the primary zoning district, as deemed in the public interest.

B. Establishment of Districts:

The following overlay districts are hereby established:

1. Wildwood Acres Overlay District - (WAOD)
2. Residential Open Space Overlay District (ROSO)

C. Applicability and Interpretation:

All provisions of the Zoning Ordinance shall apply to the overlay zoning districts. However, in any instance where the provisions of an overlay district shall conflict with the provisions of a primary zoning district, the provisions of the overlay district shall take governing precedence.

Sec. 4.24 Wildwood Acres Overlay District (WAOD)

A. Purpose:

The purpose of the Wildwood Acres Overlay District is to provide for modified lot requirements unique to the geographic boundaries defined for this district. This provision accommodates a historic platted subdivision with lots substandard in size to the underlying FAR-3 zone district.

B. Permitted Uses:

Permitted uses in the WAOD are the same as those identified in the FAR-3 Zone District, See Section 4.07(A).

C. Conditional Uses:

Conditional uses in the WAOD are the same as those identified in the FAR-3 Zone District, See Section 4.07(B).

D. Requirements:

Other than those identified herein, the lot and structure requirements in the WAOD are the same as those identified in the FAR-3 Zone District, See Section 4.07(C).

1.	Minimum lot area	.90 Acre
2.	Lot line setbacks	
	Rear Yard	25 Feet
	Side Yard	10 Feet
3.	Road setbacks (from centerline)	
	County road	85 Feet

Other public and private roads	50 Feet

Sec. 4.25 Residential Open Space Overlay District (ROSO)

A. Purpose:

The purpose of the Residential Open Space Overlay (ROSO) District is to allow residential uses at a higher density when there is a corresponding preservation of open space in areas generally adjacent to or near developed areas, major roadways, or other sources of services. This overlay district is to be applied in non-shoreland areas, except as specifically allowed within the shoreland area, in underlying zone districts of FAR-2 and FAR-3 to accommodate efforts to support more efficient and affordable residential development while maintaining the character of Cook County.

B. Applicability:

The zoning standards of this Section apply to property within the ROSO District that is platted as part of an open space subdivision in accordance with the requirements of Section 6 of the Cook County Subdivision Ordinance. Property within the ROSO that is not platted as an open space subdivision shall remain subject to the zoning regulations of the underlying FAR-2 or FAR-3 zone district.

C. Eligibility:

Parcels in areas meeting the following criteria are eligible for rezoning to the ROSO district:

1. The parcel is within 0.5 miles of State Highway 61 or a County or Township Road.
2. The parcel is fully within non-shoreland area, except that shoreland area of watercourses may be included in the open space area of an open space subdivision plat.
3. To the extent the parcel is within the North Shore Management Zone, the parcel is on the west side of Highway 61 (parcels on the east/lake side of Highway 61 may not be rezoned under this Section).
4. The parcel is zoned FAR-2 or FAR-3.
5. The parcel is not located within the City of Grand Marais Subdivision Jurisdictional area.

D. Permitted Uses:

1. One single family dwelling or bunkhouse (including yurts, dwellings without pressurized plumbing, manufactured, and modular homes
2. Duplex where each unit is on a separate lot
3. Home occupations

4. One accessory structure up to 1,000 square feet with or without the existence of a primary dwelling
5. One Recreational Vehicle

E. Conditional Uses:

1. Multi-family dwellings in a single structure. (2 or more units)
2. Home business
3. Guest house

F. Prohibited Uses:

1. Vacation Rental Home

G. Requirements:

1.	Minimum lot area	0.25 Acre
2.	Maximum lot area	2.0 Acre
3.	Minimum lot width	75 Feet
4.	Lot line setbacks	
	a. Rear Yard	10 Feet
	b. Side Yard	10 Feet; 0 Feet in cases of duplex on separate lots
5.	Road setbacks (from centerline)	
	a. State or County road	65 Feet
	b. Other public and private roads	50 Feet
6.	Maximum impervious surface lot coverage	30%

Article 5 General Provisions

Sec. 5.01 The provisions of this ordinance shall be construed to be minimum requirements. This ordinance shall be read and applied in conjunction with all other applicable governmental statues, ordinances, codes and regulations. More restrictive federal, state, county, or town regulations or standards shall take precedence over the provisions of this ordinance.

Sec. 5.02 No structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered and no land shall change in use, unless in conformity with all of the regulations specified in this ordinance and all acts amendatory thereof.

Sec. 5.03 Fences may be placed on a property up to the side yard line but must be limited to four feet in height if located in the shore or bluff impact zones.

Sec. 5.04 In residential zone districts a principal dwelling and one guest cabin are allowed. One residential bunkhouse may also be permitted.

Sec. 5.05 In each zone district, each dwelling shall be on a lot of the area specified in this ordinance.

Sec. 5.06 In each zone district, bunkhouses shall be limited to one per parcel and must meet all dimensional requirements for that zone district.

Sec. 5.07 In all districts, forestry clear-cutting shall be prohibited within 100 feet of the centerline of any county road, except in areas where the United States Forest Service, the Minnesota Department of Natural Resources, a graduate professional forester or landscape architect have prepared a forestry plan applicable to cutting, which plan gives reasonable consideration to minimizing the effects of drifting snow on the public road and observes maximum efforts to preserve the aesthetics for members of the public driving along said road. All cutting in such areas shall adhere to said forestry plan. Provided that, such cutting may occur in any district without such forestry plan by obtaining a conditional use permit which addresses the problems of snow-drifting and preservation of aesthetics.

Sec. 5.08 Building measurement shall be determined using the exterior walls of the building. All open leans supported by posts or diagonal bracing are included in the square footage of the building. Measurement of square footage for floors above the first floor utilize the Cook County Assessor's procedure.

Sec. 5.09 Setbacks for structures shall be measured from the overhang (dripline) of the building or the nearest portion of the structure including decks and porches.

Sec. 5.10 The three-dimensional envelope of a building shall be determined by the exterior walls and roof of the structure, including decks and porches. Changes to the three-dimensional envelope require a Land Use Permit to be issued by Land Services.

Sec. 5.11 Landscape Preservation Standards

A. Definition:

Landscape plant materials, topography and other physical elements combined in relation to one another and to man-made structures. Landscape elements include all forms of planting vegetation, ground forms, rock groupings, water patterns and all visible construction except buildings and utilitarian structures.

B. Purpose:

Design and construction standards will be required in order to preserve the natural landscape and to lessen physical and visual damage to the natural terrain, streams, vegetation and other natural characteristics and features of the landscape that may be caused by development.

C. Requirements:

1. Plant materials (trees, shrubs, grasses, etc.) shall be removed only from areas necessary to the day-to-day operations of the activity (buildings, parking areas, loading areas, storage areas).
2. The rear and side yard setback areas shall be maintained in a natural vegetative state or approved landscaping consistent with the natural surroundings.
3. Re-vegetation and re-forestation of materials removed during construction shall include utilization of native or similar horticultural material and shall be completed during the first planting season after construction.
4. Topsoil shall be removed prior to any grading or excavation.
5. Building site placement shall result in least damage possible to vegetation and the natural terrain.
6. Installation methods and location of utilities shall result in the least damage to the natural environment.
7. New landscaping shall incorporate the natural topography and vegetation of the surrounding area.
8. Protective measures (such as fencing) shall be implemented during construction.
9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fences, planting, or a combination of these. Planting shall be limited to species natural to the area and the use of walls and fences shall not detract from the natural aesthetics of the area.

Sec. 5.12 Erosion Control Standards and Grading and Filling Permit Requirements

A. Purpose:

Protection measures shall be undertaken in order to minimize the problems of runoff and erosion. The use of the Cook County Erosion and Sediment Control Plan Checklist is required for Small Site Stormwater Permits and Grade and Fill Permits. Specific requirements for Large and Small Site Stormwater Permits can be found in the Stormwater Management Ordinance Number 51.

1. When possible, existing natural drainage-ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before any discharge.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Permit Requirements:

1. With the exception of part 2 below topographic alterations and grading and filling of property for the construction of roads, driveways, ponds, landscaping, etc. requires a permit as follows:

    a. A Grade and Fill Permit for movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones;

    b. A Grade and Fill Permit for movement of more than 50 cubic yards of materials outside of steep slopes and shore and bluff impact zones;

    c. A Small Site Stormwater Permit for movement of more than 100 cubic yards of material;

    d. A Large Site Stormwater Permit for movement of more than 1000 cubic yards of material.

2. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits

for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways. Movement of more than 100 cubic yards of material requires a Stormwater Permit as described in part 1 above.

3. Public roads and parking areas in shoreland are regulated by Section 7.08(C) of this Ordinance.

4. The following considerations and conditions must be adhered to during the issuance of Land Use Permits, Grade and Fill Permits, Conditional/ Interim Use Permits, Variances and Subdivision approvals:

   a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland(*):

   (*) This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

   b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

   c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

   d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

   e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

   f. Fill or excavated material must not be placed in a manner that creates an unstable slope;

   g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

   h. Fill or excavated material must not be placed in bluff impact zones;

   i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G. 245;

j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted for inland lakes if:

- The finished slope does not exceed 3 feet horizontal to 1 foot vertical;
- The landward extent of the riprap is within 10 feet of the ordinary high water level; and
- The height of the riprap above the ordinary high water level does not exceed 3 feet.

l. The operator (usually the general contractor) is jointly responsible with the property owner for compliance with all portions of the permit and stormwater management plan prior to final completion of construction activities.

M. Placement of natural rock riprap, including associated grading of the shoreline along Lake Superior is addressed in Article 8 of the Zoning Ordinance.

Sec. 5.13 In districts where the following structures are permitted, heights of the following structures may exceed limits set forth elsewhere in this ordinance.

A. Monuments.
B. Flag Poles.
C. Chimneys or smokestacks.
D. Lookout towers.
E. Silos.
F. Windmills and wind generators.
G. Water towers.
H. Church spires, belfries or domes.
I. Radio and television antennae and transmitting towers.

Sec. 5.14 All lots or parcels created by subdivision shall meet the requirements of this ordinance and the Cook County Subdivision Ordinance Number 50.

Sec. 5.145 Boundary Line Adjustment

A. Purpose:

The provisions of this section are intended to outline the requirements to relocate an existing boundary line between two or more existing parcels, and not for the purpose to circumvent the administrative subdivision or platting process.

B. Requirements:

1. The relocation of the boundary line is between abutting, existing parcels and does not create a new parcel.

2. The resulting parcels comply with all provisions of the Cook County Zoning Ordinance #37, the Cook County Subsurface Sewage Treatment System Ordinance #58, and Section 3.3 of the Cook County Subdivision Ordinance #50.

3. A parcel line adjustment shall not create a non-conforming parcel or structure(s). In the case of existing nonconforming parcels or structures, the parcel line adjustment shall not increase the nonconformity.

4. An application form and the required fee shall be submitted to the Zoning Office, including the following information:

    a. The original property descriptions and the proposed legal descriptions of all affected parcels.

    b. Proposed new property lines with the dimensions and acreages noted.

    c. Proposed and existing driveway locations on the parcels.

    d. Location of legal access easement, where applicable.

    e. Location of all structures, including permitted proposed improvements, with distance from proposed parcel lines.

    f. Location and provisions for individual water supply and sewage disposal that meets the requirements of the Cook County Subsurface Sewage Treatment Systems Ordinance #58

    g. Any other information as required by the Zoning Administrator. Typically, most project areas less than 20 acres require a certified land survey unless deemed otherwise. Wetland avoidance documentation and/or wetland delineations may be required if de minimus square footages are exceeded.

5. The applicant shall file the deeds of the parcels and any associated documents with the County Recorder's Office within twelve (12) months or the approval shall automatically be deemed null and void. An extension to this deadline may be granted by the Zoning Administrator for Torrens property.

Sec. 5.15 For any use, whether permitted or conditional, where an Environmental Assessment, Environmental Assessment Worksheet or Environmental Impact Statement is required and where Cook County is designated as the lead agency, the proposer shall be required to supply all information requested by the county to complete said documents. Failure to comply with this requirement will invalidate any permit issues.

Sec. 5.16 Off-Street Loading and Parking

A. Loading

Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial or industrial purposes. One (1) such space shall be provided for every ten thousand square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

B. Parking

Off-street automobile parking or storage space shall be provided on every lot on which any new structure or uses are hereafter established and shall be at least equal to the number of spaces provided for herein. Such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided.

In addition, the following minimum standards shall apply:

1. Parking space, off-street:

   An off-street parking space shall comprise not less than 180 square feet of parking area, 9 feet by 20 feet, plus necessary maneuvering space. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.

2. Traffic Circulation:

   Off-street parking areas, maneuvering lanes, driveways, and street approaches to use shall be designed so as not to create traffic congestion or interfere with the safe and convenient movement of vehicular and pedestrian traffic on and adjacent to the use. Drives should allow continuous circulation within the parking lot. Traffic, particularly truck traffic, should be channeled away from residential streets. Truck service traffic shall be separated from customer traffic whenever possible. Off-street parking areas shall be planned so that vehicles are parked in an orderly pattern. Traffic safety islands, barriers, planting strips, signs, markings or other methods of traffic control may be required to promote vehicular and pedestrian safety.

C. Required Parking Spaces

1. Residential dwelling: One (1) parking space for each dwelling unit.
2. Tourist accommodations: One (1) parking space for each room or unit and 1 parking space for each non-resident employee.
3. Theater, stadium, auditorium, church, or other places of public assembly: One (1) parking space for each 5 seats, based on maximum seating capacity.

4. Commercial retail sales establishment: one (1) parking space for each 200 square feet of total floor area. (square footage is to be based on all but storage space)
5. Commercial service establishments: One (1) parking space for each two hundred and fifty (250) square feet of total floor area.
6. Offices: One (1) parking space for each four hundred (400) square feet of office floor area.
7. Industrial, manufacturing or wholesale establishments: One (1) parking space for each three workers, based on peak employment.
8. Restaurants, supper clubs, taverns and bars: One (1) parking space for each 5 seats, based on maximum seating capacity.
9. Campgrounds: Two (2) parking spaces for each unit (1 for vehicle and 1 for trailer).
10. Off-street parking areas whether public or private, for more than five (5) vehicles shall be effectively screened by fence, wall or evergreen plant material, if visible from a residential district.

Sec. 5.17 Recreational Vehicle Standards

A. General Requirements

1. Permits are required and shall be issued for a two (2) year period for all "permanent seasonal use" recreational vehicles.
2. Placement of recreational vehicles on the property shall meet all setback requirements for structures in the same zone district.
3. Only one (1) permit shall be issued per parcel; except on conforming parcels within the FAR-1, FAR-2, and FAR-3 zone districts, which will allow up to two permits to be issued.
4. Sanitary facilities shall be provided on site and must comply with the Cook County Septic Ordinance Number 58, Sec. 4.04 part B.
5. An application form and the required fee shall be submitted to the Land Services Department.
6. Permits shall expire two (2) years from the date of issue for the first permit and three (3) years from the date of issue for renewed permits. The permittee will be notified in writing of the date of expiration of permit.
7. The recreational vehicle permit must be renewed for additional three (3) year periods if further use is intended. The renewal application and fee must be received within 30 days of the letter notifying the permittee of the date of expiration of the permit.
8. Any recreation vehicle used as a residence prior to obtaining a permit from the County shall be subject to an after-the-fact fee, the amount to be established by the County Board.
9. Permittee's use only. The recreational vehicle cannot be used as a vacation rental.

10. A recreational vehicle stored on the property with a principal structure does not require a permit.

Sec. 5.18 Ordinances Governing Development in All Zone Districts

A. Ordinance Requirements:

In all zone districts of Cook County, Minnesota the following ordinances, including but not limited to, as approved and amended, are referenced and apply to the development of properties.

1. Septic Ordinance Number 58
2. Stormwater Management Ordinance Number 51
3. Subdivision Ordinance Number 50
4. Sign Ordinance Number 53
5. Tower Ordinance Number 47
6. Buffer Ordinance Number 61
7. Vacation Rental Ordinance Number 62
8. Wind Energy Conversion Systems Ordinance Number 63

Sec. 5.19 Water Supply

Water Supply:

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

Sec. 5.20 Sewage treatment

All septic treatment systems shall be in conformance with the Cook County Septic Ordinance Number 58.

Sec. 5.21 Subdivision/Platting Provisions

A. For regulations concerning subdivisions, administrative subdivisions and plats see Cook County Subdivision Ordinance Number 50.

Article 6 Commercial and Industrial Performance Standards

Sec. 6.01 The following controls shall be satisfied when new construction, change of use or other activity requiring a land use permit takes place in a commercial or industrial district (RC/R, GC, LI, HI).

Sec. 6.02 Resort Commercial/Residential

A. Required Setback Areas

All required setback areas shall be left in natural vegetation to provide for visual screening from adjacent properties and road-ways. Additional planting may be required at the discretion of the Planning Commission to achieve visual screening. No parking areas, service yards, storage areas, lighting or structures are permitted within the required setback areas.

B. Lighting

Lighting shall not be placed in required setback areas and must be directed inward and not toward any property line. No upward directed lighting shall be permitted. All lighting on premises must be directed inward and not create a glare on adjacent properties.

C. Noise

Noise, measured at the property line, shall not be objectionable in frequency or intensity. The general noise level of the surrounding properties shall serve as a guide in judging this standard. This Ordinance shall adopt by reference, Minnesota Pollution Control Agency Rules, Chapter 7030, Noise Pollution Control Rules.

Sec. 6.03 General Commercial

A. Required Setback Areas

Required rear and side yards, where abutting any residential district, shall be left in natural vegetation to provide for visual screening from adjacent properties. Additional planting may be required at the discretion of the Planning Commission to achieve visual screening. No parking areas, service yards, storage areas, lighting or structures are permitted within the required rear and side yards where abutting any residential district.

B. Lighting

All lighting on premises must be directed inward and not create glare on adjacent properties. Lighting must not create glare or direct conflict with night vision for users of adjacent roadways.

C. Noise

Noise, measured at the property line, shall not be objectionable in frequency or intensity. The general noise level of the surrounding properties shall serve as a guide in judging this standard. This Ordinance shall adopt by reference, Minnesota Pollution Control Agency Rules, Chapter 7030, Noise Pollution Control Rules.

Sec. 6.04 Light Industry and Heavy Industry

A. All required setback areas shall be left in natural vegetation to provide for visual screening from adjacent properties and roadways. Additional planting may be required at the discretion of the Planning Commission to achieve visual screening. No parking areas, service yards, storage areas, lighting or structures are permitted within the required setback areas.

B. Lighting

Lighting shall not be placed in the required setback areas. Any lighting must be directed inward and not toward any property line. No upward directed lighting shall be permitted.

C. Noise

Noise, measured at the property line, shall not be objectionable in frequency or intensity. The general noise level of the surrounding properties shall serve as a guide in judging this standard. This Ordinance shall adopt by reference, Minnesota Pollution Control Agency Rules, Chapter 7030, Noise Pollution Control Rules.

D. Odor

Odor from any industrial process must not be discernable at any property line. Processes that are prone to produce objectionable odors must present specific plan for odor control at the time of permit application.

E. Vibration

Vibration shall not be discernable to human sense of feeling at any property line.

F. Smoke

Smoke shall be measured at the point of emission and not exceed 20% visual opacity.

G. Fumes

Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive.

H. Hazards

Every Operation shall be carried on with reasonable precautions against fire and explosive hazards.

Sec. 6.05 General Requirements for Shopping Centers or Strip Malls

A. Maximum percentage of lot coverage by impervious surfaces shall not exceed 75%. In any project which has impervious surface in excess of 30%, a surface water runoff paln certified by a registered professional engineer must be submitted and approved by the Zoning Administrator. The surface water runoff plan shall contain, at a minimum, provisions for sediment entrapment and erosion control.

B. Driveway access from state or county roads shall be limited to two driveway accesses per roadway frontage. Each driveway access shall be a maximum of 40 feet in width and shall be separated by a distance of a minimum of 100 feet. In no case shall a driveway access be

allowed less than 75 feet from an intersection measured from the centerline of the roadway minus the roadway width to the nearest edge of the driveway access. If the driveway accesses cannot be separated by a distance of a minimum of 100 feet, only one driveway access shall be allowed per frontage.

Sec. 6.06 General Requirements for Motels, Hotels, and Resorts

A. Goal

To establish standards for the development of motels, hotels and resorts as permitted uses for commercially zoned property.

B. Definitions

For these purposes, "motels, hotels and resorts" will be defined as any lodging facility under single ownership consisting of lodging units which are used predominantly for rental to guests on an overnight basis or for vacation length stays provided that the density and other requirements described below are satisfied and a "lodging unit" will mean a motel, hotel or resort room that does not exceed 750 square feet of inside living space. In determining the amount of inside living space, the space occupied by decks, patios, stoops and steps will not be considered.

C. Requirements:

1. Density: Motels, hotels and resorts must not exceed a total of 3,000 square feet of inside living space per acre. (This would mean, for example, that no more than six lodging units could be built per acre if each lodging unit had 500 square feet of inside living space). For developments that are connected to a collector sewage treatment system with a soil absorption drainfield a 100% increase in maximum density shall be allowed provided all other provisions of these requirements are satisfied. For developments with a Minnesota Pollution Control approved wastewater treatment plant a 200% increase in maximum density shall be allowed provided all other provisions of these requirements are satisfied. Motels, hotels and resorts that exceed these density standards must be processed as a Planned Unit Development.

2. Minimum setbacks

Within the GC (General Commercial) zone district:

Side Yard	
If bordering a non-residential district.	10 Feet
If bordering a residential district.	50 Feet
Rear Yard	
If bordering a non-residential district.	25 Feet
If bordering a residential district.	50 Feet
State Highway (from centerline).	100 Feet

County Highway (from centerline).	100 Feet
Other Public and Private Road (from centerline).	75 Feet

Within the RC/R (Resort Commercial/Residential) zone district:

Side Yard – if bordering a non-residential district.	50 Feet
Rear Yard – if bordering a residential district.	50 Feet
State Highway (from centerline).	100 Feet
County Highway (from centerline).	100 Feet
Other Public and Private Road (from centerline).	75 Feet

3. Minimum lot area — 5 Acres
4. Minimum lot width — 200 Feet
5. Maximum building height — 35 Feet
6. Open space requirement: At least 50 percent of the project area must be preserved as open space. In shoreland areas a minimum of 25 percent of lot frontage, as measured at the building setback line, must be preserved as open space.
7. Water supply: Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
8. Sewage Treatment: On-site sewage treatment systems must be located on suitable areas of the development as determined by a qualified site evaluator. A sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system. Prior to the determination of site suitability for a sewage treatment system, percolation test data and soil boring data must be provided. All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances. When the ability to connect to a public sewer system is available, that project must be connected to that system.

D. Application Requirements

The application shall provide a detailed development plan which shall include the following:

1. The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers and other relevant features.
2. Building elevations, location on site, proposed uses, number of units and commercial operations, including a floor plan for all structures.
3. A concept statement describing the project.
4. Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed road entrances, and projected traffic generation of the proposed development.

5. Proposed phasing of the final development.
6. Description of how the project will operate after completion.
7. Nature of proposed ownership after completion.
8. Proposed fire protection.
9. Proposed homeowners association agreement, where applicable, including any deed restrictions, covenants, easements, etc.
10. Detailed landscape plan showing existing vegetation and proposed alterations and new plantings and landscaping.
11. Open space location and use.
12. Water sources and water supply system plans.
13. Proposed sewage treatment system plans.
14. Storm water runoff plans (construction and operation).
15. Erosion control plan for shoreline, where applicable.
16. Erosion control plan for site (construction and operation).
17. Evidence of application for appropriate State and Federal permits.
18. Evidence of availability of necessary public utilities.
19. Those additional documents as requested by the County.

Article 7 Shoreland Management Regulations

Sec. 7.01 Policy

The uncontrolled use of shorelands of Cook County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and general welfare to provide for the wise development of shorelands of public waters. The Legislature of the State of Minnesota has delegated responsibility to the counties of the state to regulate the subdivision, use and development of the shorelands of public waters located in unincorporated areas and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources.

Sec. 7.02 Statement of Purpose

A. Designate suitable land use districts for each public water.
B. Regulate the placement of sanitary and waste disposal facilities on lots.
C. Regulate the area of a lot and the length of water frontage suitable for a building site, sewage treatment and water supply.
D. Regulate alteration on the shorelands of public waters.
E. Regulate alterations of the natural vegetation and the natural topography.
F. Regulate subdivision of land in unincorporated areas.
G. Provide variances from the minimum standards and criteria.

Sec. 7.03 Classification

The public waters of Cook County, Minnesota have been classified by the Minnesota Department of Natural Resources and the Cook County Board of Commissioners as follows:

A. Lakes
   1. SNR Special Natural Environment
   2. NE Natural Environment
   3. SRD Special Recreational Development
   4. RD Recreational Development
   5. GD General Development

B. Rivers
   1. RR Remote River Segments
   2. FR Forested River Segments
   3. TR Tributary River Segments

(For individual lake and river classifications in Cook County, refer to Appendix II)

Sec. 7.04 Compliance

The use of any shoreland of public waters; the size and shape of the lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any shoreland areas; the cutting of shoreland vegetation; and the subdivision of lots; shall be in full compliance with the terms of these regulations and other applicable regulations. Construction of buildings, private water supply and sewage disposal systems shall require a permit unless otherwise expressly excluded by the requirements of these regulations.

Sec. 7.05 Lot Sizes and Setbacks

	Lot Width	Lot Size	Building Setback From OHWL Elevation	Soil Absorption Setback From OHWL Elevation
Special Natural Environment (SNE)	200 Feet	2 ½ Acre	150 Feet	150 Feet
Natural Environment (NE)	200 Feet	2 Acres	150 Feet	150 Feet
Special Recreational Development (SRD)	200 Feet	1 ½ Acres	100 Feet	150 Feet
Recreational Development (RD)	150 Feet	1 Acre	100 Feet	100 Feet
Special General Development (SGD)	150 Feet	1 Acre	75 Feet	100 Feet
General Development	150 Feet	1 Acre	75 Feet	100 Feet
General Development Lake Superior	200 Feet	1 Acre	**	**
Remote River Segment (RR)	300 Feet	*	200 Feet	150 Feet
Forested River Segment (FR)	200 Feet	*	150 Feet	100 Feet
Tributary River Segment (TR)	100 Feet	*	100 Feet***	100 Feet

* Minimum lot size depends on specific zone district.

** 40 Feet from the Vegetation Line for buildings and 100 feet from the vegetation line for soil absorption.

*** 75 Feet in the North Shore Management Area.

Sec. 7.06 Placement of Structures on Lots

A. All structures shall meet the required setbacks for their particular shoreland classification (except boathouses on Lake Superior).

B. Boathouses shall be permitted to be located up to the normal high water mark only on Lake Superior and only under a conditional use permit, provided that they shall not be used for habitation and they shall not contain any sanitary facilities.

C. Setback for placement of structures on Lake Superior shall be 40 feet from the vegetation line.

D. Additional structure setbacks. The following additional structure setbacks apply, regardless of the classification of the water body.

1.	Top of bluff	30 Feet
2.	Un-platted Cemetery	50 Feet

E. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been reviewed and documented in a public repository.

F. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for grading, filling, construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined, necessary conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Sec. 7.07 High Water Elevation

A. For lakes, ponds or flowages, structures shall be placed at an elevation such that the lowest floor, including basement floors, is at least three feet above the highest known water level. In those instances where sufficient data on known high water levels is not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimate high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize.

B. For rivers and streams, the elevation to which the lowest floor, including basement, is placed must be determined by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist, and be consistent with State Rules 6120.5000 to 6120.6200 which govern the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

Sec. 7.08 Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

A. Vegetation Alterations

1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 7.08(C) of this ordinance are exempt from the vegetation alteration standards that follow.
2. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 7.10(B) and Buffer Ordinance No. 61 is allowed subject to the following standards:
    a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowed if an erosion and sediment control plan is developed and approved by Land Services.
    b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:
        i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
        ii. Along rivers, existing shading of water surfaces is preserved; and
        iii. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
        iv. Also see requirements of the Buffer Ordinance Number 61.

B. Topographic Alterations/Grading and Filling

1. See Sec. 5.12 B for information on types of permits and grading and filling requirements. A grading and filling permit is required for the movement of soil and gravel material as described below:
    a. Movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
    b. Movement of more than 50 cubic yards of materials outside of steep slopes and shore and bluff impact zones.
2. Public roads and parking areas in Shoreland are regulated by Section 7.08(C) of this Ordinance.

C. Placement and Design of Roads, Driveways, and Parking Areas in Shoreland.

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters, consistent with the field office technical guides of the local Soil and Water Conservation District, or other applicable technical materials.

2. Roads, driveways and parking areas must meet shoreline and bluff structure setbacks.

3. Roads, driveways and parking areas must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

4. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within the shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. Access ramps shall not exceed 12 feet in width. For private facilities, the grading and filling provisions of Section 7.08(B) of this Ordinance must be met.

Sec. 7.09 Stormwater Management

The following general and specific standards shall apply:

A. General Standards:

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

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

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

B. Specific Standards:

1. Impervious surface coverage of lots in shoreland must not exceed 25 percent of the lot area.

2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed

consistent with the field office technical guide of the local Soil and Water Conservation District.

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

Sec. 7.10 Standards

A. General Commercial, Industrial, Public and Semi-Public Use Standards

Activities of this type are not to be encouraged in shorelands. However, if such activities are found to be in the public interest for location within a shoreland management area, they shall be strictly regulated through Zoning Districts and Conditional Use Permits in a manner consistent with Shoreland Best Management Practices and other regulations of this Ordinance.

B. Forest Management Standards

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-Point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota".

C. Extractive Use Standards

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

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

D. Mining of Metallic Minerals and Peat

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

Sec. 7.11 Alteration of Beds of Public Waters

Any work which will alter the bed of a public water by changing or diminishing the course, current or cross section must be approved by the Commissioner of the Minnesota Department of Natural Resources before the work may be initiated.

A. Work requiring such approval includes construction of channel and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds, and filling in the lakebed including low-lying marsh areas.

B. Work requiring such approval also includes excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors.

Sec. 7.12 Shoreline Setback Averaging

Variances to the shoreline setback requirements of Section 7.05 may be granted by the Board of Adjustment under the following circumstances, if not within a floodway:

A. In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks.

B. In areas of unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of their property.

C. Regardless of the minimum setbacks set forth in Section 7.05, a variance may be granted permitting a principal structure to be set back from the shoreline a distance equal to the average shoreline setback of certain nearby principal structures, plus the greater of 10 feet or 20 percent of the average. To determine the allowable setback for a principal structure for a given zone district, the following method shall be used:

1. On each side of the given lot, determine a distance equal to twice the normally required minimum lot width for the given zone district;
2. Measure shoreline setback of each principal structure located within the distances determined in “1” above;
3. Should a lot be encountered within the distances determined in “1” above which does not have a principal structure thereon, the lot shall be considered to have one principal structure thereon and the measured setback shall be assumed to be equal to the normally required minimum setback for the given zone district;
4. Total the measured setbacks and divide by the number of the setbacks measured; and
5. To the average obtained in “4” above, add 20 percent of the average or 10 feet, whichever is greater.

Sec. 7.13 Timber Harvesting in Shoreland Areas

A. Timber harvesting within the shoreland areas shall be restricted to generally accepted forest management practices designed to promote and manage a healthy forested area.

B. Clear cutting, except as authorized for public services such as roads and utilities, shall not be permitted within 150 feet of the normal high water mark.

C. Selective cutting of trees in excess of 4 inches in diameter, breast height, within 150 feet of the normal high water mark shall be permitted provided that the cutting is spaced in several

cutting operations and a continuous tree cover is maintained and uninterrupted by large openings.

Sec. 7.14 Bluff Area Standards

A. General Standards:

All structures must be set back a distance as specified for lakes and rivers from the top of the bluff. The following standards shall apply in bluff areas:

1. No structures shall be allowed in the bluff impact zone;
2. The setback from the top of the bluff shall be 30 feet.
3. Compliance with Section 7.09 is required.
4. Erosion control measures and Best Management Practices for Shorelands shall be applied to all Variances and Conditional and Interim Use Permits in bluff areas.

B. Additions to Existing Structures Within the Bluff.

1. Additions to principal and accessory structures within the bluff or shore impact zones require a Variance. Deck additions to non-conforming structures are addressed in Sec. 9.02 C.

Sec. 7.15 Stairways, Lifts, and Landings.

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;

C. Canopies or roofs are not allowed on stairways, lifts, or landings;

D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion; and

E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

Sec. 7.16 Boardwalks in Wetlands

Boardwalks are the preferred method of accessing water bodies through wetland areas. In order for a boardwalk to qualify for a Minnesota Wetland Conservation Act (WCA) no-loss determination, vegetation should not be significantly hindered from growing, ground and surface water flow should not be impeded, and soil should not be significantly disturbed.

Boardwalk plans must be submitted to the Office of Planning and Zoning for review prior to construction. The following minimum standards apply:

A. Maximum boardwalk width is 4 feet;

B No roofs are allowed;

C. Vertical support pilings cannot be greater than 12 inches in diameter;

D. Woody vegetation criteria:

1. May be hand cleared to ground level to accommodate boardwalk construction;
2. No soil or root mat disturbance is allowed except to dig vertical pilings;
3. Soil from the pilings' holes not used for backfill must be redistributed in an upland location.

E. No permit is required for the construction of boardwalks, providing they meet the above standards and adhere to the Minnesota Wetland Conservation Act.

Sec. 7.17 Conditional and Interim Uses

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

A. Evaluation Criteria.

A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

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

B. Conditions Attached to Conditional and Interim Use Permits.

The Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the Conditional and Interim Use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

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

3. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

Article 8 North Shore Management Plan Regulations (for Lake Superior)

Sec. 8.01 North Shore Management Planning Areas

All lands between Lake Superior and a line formed by the 40-acre subdivision lines of the rectangular coordinate system established in the U.S. Public Land Survey nearest to the landward side of a line 1,000 feet from the shoreline of Lake Superior or 300 feet landward from the centerline of U.S. Highway 61, whichever is greater.

Sec. 8.02 North Shore Management Areas

1. Protected Resource District
2. Residential District
3. Commercial District
4. Resort Commercial District
5. Industrial District

Sec. 8.03 North Shore Management Areas, Definitions Permitted and Conditional Uses

A. Protected Resources District

Protected Resources Districts are intended to protect, preserve and enhance valuable natural resource, scenic, historic, and archeological areas and to allow for limited development which is sensitive to the natural scenic or historic resource values and development limitations of the district.

Protected Resources Districts are to include: Outstanding or unique natural or scenic areas both public and private that exist relatively free from human influence; significant archeological or historic areas and state parks and other public lands managed for resource conservation or recreation purposes.

1. Permitted Uses
    a. Forestry uses, except clear cutting
    b. Wildlife refuges and game management habitat areas
    c. Agricultural, cropland, pasture
    d. State parks and other public lands managed for resources conservation or recreation purposes
    e. Essential services and utilities intended to serve the principal permitted use.
2. Conditional Uses
    a. Private parks, recreation areas
    b. Interpretive centers
    c. Public Accesses and boat launches

B. Residential District

See Section 4.09 R-1 Single Family Residential Zone District

C. Commercial District

See Section 4.17 GC General Commercial Zone District

D. Resort Commercial District

See Section 4.16 RC/R Resort Commercial/Residential Zone District

E. Industrial District

See Section 4.19 LI Light Industrial, Section 4.20 Heavy Industrial, and Section 4.21 BDA Business Development Area.

Sec. 8.04 Lot Area, Width, and Placement and Height of Structures

A. Minimum standards – The following lot area and width dimensional standards apply to lots created after the effective date of this ordinance.

B. Lot Size: The minimum lot size shall be 1 acre. Refer to Section 4.15 for specific zone district requirements.

C. Structure setback from ordinary high water mark of rivers and streams: The structure setback from the ordinary high water mark shall be 75 feet.

D. Structure setback from the vegetation line: The structure setback from the vegetation line on Lake Superior shall be 40 feet, except in erosion hazard areas where the setback shall be 125 feet from the top edge of the eroding bluff or a distance equal to the annual erosion rate times 50 plus 25 feet from the top edge of the eroding bluff.

E. Structure setback from public road right-of-way line: The structure setback from a public road right of way line is 35 feet.

F. Lot Width: The minimum lot width for lots created after the effective date of this ordinance is 200 feet at the vegetation line and 200 feet at the structure setback line.

G. Building Height: The maximum building height is 35 feet.

H. Floor elevation above water level: The lowest floor elevation for new structures shall be three feet above the highest known water level or one foot above the one hundred year storm wave run-up elevation on Lake Superior as determined by a licensed engineer.

I. Lot coverage by impervious surfaces: In all areas, lot coverage by impervious surfaces shall not exceed 30% unless a surface water runoff plan certified by a registered professional engineer is submitted and approved by the Zoning Administrator. The surface water runoff plan shall contain, at a minimum, provisions for sediment entrapment and erosion control in order to minimize impacts on receiving waters.

Sec. 8.05 Subdivision/Platting Provisions

A. Land suitability: Each lot created through subdivision, including Planned Unit Developments authorized under this ordinance must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the

health, safety, or welfare of future residents of the proposed subdivision or of the community.

B. Consistency with other controls: Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not serviced by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this ordinance can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of this ordinance.

C. Information requirements: Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
2. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
6. A line or contour representing the ordinary high water level, or vegetation line in the case of frontage on Lake Superior.

Sec. 8.06 Sanitary Provisions

A. All septic treatment systems shall be in conformance with the Cook County Septic Ordinance Number 58.

Sec. 8.07 Shoreland Alterations (See also requirements of the Buffer Ordinance Number 61)

A. Vegetation Management

1. A vegetation management plan will be required for total vegetation removal of over 10,000 square feet or 25% of the lot area, whichever is greater.
2. Removal of woody vegetation shall be restricted on bluffs, steep slopes and within the structure setback area to maintain stable soil conditions.
3. Removal of woody vegetation shall be limited to screen structures, clear cuts, parked vehicles or other facilities from public roads and Lake Superior. Selective removal of

woody vegetation shall be allowed to provide a reasonable view of the lake from individual residences.

4. Clear cutting shall not be permitted unless part of an approved site development plan with the exception of an authorized public service such as public roads and utilities.
5. Removal of woody vegetation shall be restricted as much as possible along DNR designated trout streams to provide for shade coverage to help keep stream temperatures at proper levels.
6. Cutting, pruning and trimming of trees shall be based on sound forest management practices for each individual tree species.
7. Private driveways shall blend in to the existing terrain as much as possible and public utility lines to private landowners shall be buried if at all possible.

B. Wetlands

1. Alterations to wetlands shall not be permitted unless part of an approved site development plan. Any alterations shall be first permitted by the DNR and U.S. Army Corps of Engineers as required.
2. Alterations to wetlands, if permitted, shall require suitable mitigation.
3. Wetlands shall be identified on site development plans.

C. Grading and Filling, Erosion Control

1. An erosion and sediment control plan shall be required for excavations exceeding 1,000 square feet or 100 cubic yards, or fill exceeding 1,000 cubic yards, or 50 cubic yards within the structure setback area. Shoreland alterations done in connection with work authorized by a building or sewage disposal permit shall be exempt from the erosion control plan requirement. For additional information on grading and filling permit requirements see Sec. 5.12.
2. Erosion and sediment control plans shall be reviewed by the local Soil and Water Conservation District and approved by the local zoning office prior to the start of the land alteration work.
3. Alterations must be designed and conducted in a manner which insures only the smallest amount of bare ground is exposed for the shortest time possible.
4. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetative cover must be established as soon as possible.
5. Methods to minimize soil erosion and to trap sediment before they reach any surface water feature must be used. Such methods shall be in place before development occurs.
6. Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guides of the local Soil and Water Conservation Districts and the U. S. Soil Conservation Service.
7. Fill or excavated material must be stabilized to prevent erosion and slope failure.

8. Fill or excavated material must not be placed on steep slopes, except as designated by qualified professionals.
9. Approved permanent erosion control practices should be maintained.
10. Alterations below the Ordinary High Water Level of lakes and streams shall follow accepted practices. Any alterations shall be first permitted by the DNR and U.S. Army Corps of Engineers, as required.

Sec. 8.08 Erosion Hazard Areas

"Erosion Hazard Area" means those areas of Lake Superior's North Shore where the long-term average annual rate of recession is one foot or greater per year as mapped in the December 1988 version of the North Shore Management Plan.

A. The burden of proof concerning the suitability of land in designated erosion hazard areas is the responsibility of the project proponent.

B. Site development plans shall be required and approved by the zoning office for all new construction in erosion hazard areas as shown on the official controls map for Cook County.

C. The required site development plan shall include a description of:
   1. Surface runoff including proposed landscaping.
   2. Subsurface runoff.
   3. Vegetation removal including proposed landscaping.
   4. Proposed sewage treatment systems.
   5. Topography of site.
   6. Structure and driveway location.
   7. Potential bluff toe protection.
   8. Slope alterations.
   9. Other pertinent information as requested.

D. The site development plan shall include setback and shoreline erosion control recommendations and shall comply with the shoreland alteration provisions of this ordinance.

E. Structure setbacks in Erosion Hazard Areas.
   1. Structures and soil absorption areas shall be setback the annual erosion rate times 50 plus 25 feet (to allow for structure relocation) from the top edge of the eroding bluff. Where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil separates and slumping begins). In the absence of an established long term erosion rate, the setback shall be 125 feet.
   2. The structure setback and the location of the soil absorption areas can be modified by variance if the landowner provides technical data proving a different recession rate or that the erosion hazard although correctly estimated, can be mitigated by structure protection.

Article 9 Non-Conforming Uses & Substandard Structures

Sec. 9.01 Commercial, Resort Commercial, and Industrial Non-Conforming Uses and Substandard Structures

A. Continuance

A non-conforming use existing at the time of adoption of this ordinance may be continued.

B. Discontinuance

If such use is discontinued for more than twelve consecutive months, any future use of the building or premises shall conform to this ordinance.

C. Change in Use

If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restrictive classification. The foregoing provision shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

D. Restoration

No building or structure, containing or supporting a non-conforming use, which has been damaged by fire or other peril to the extent of more than fifty percent of its market value, shall be restored, except in conformity with the regulations of this ordinance. Nothing in this ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Planning & Zoning Administrator.

E. Formal Maintenance

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

Sec. 9.02 Residential Non-Conforming Uses and Substandard Structures

A. Continuance

Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of county official controls, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. Expansion of a nonconformity includes any increase in the height of the structure.

B. Discontinuance

If a nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the

County Assessor at the time of the damage, and no land use permit has been applied for within 180-days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.

C. Deck Additions to structures at nonconforming setbacks may be allowed as a permitted use only for structures that have been constructed prior to August 31, 2003, subject to the following performance standards:

1. The deck shall not have any side walls or roof;
2. The deck shall not exceed 8 feet in depth; and
3. The closest point of the deck addition from the nearest normal high-water mark shall be no closer than 50% of the required setback of the zone district.

Sec. 9.03 Substandard Lots

A. A nonconforming single lot of record may be allowed as a building site without variances from lot size requirements, provided that:

1. All structure and septic system setback distance requirements can be met;
2. A sewage treatment system consistent with Cook County Septic Ordinance Number 58, can be installed or the lot is connected to a public sewer;
3. The impervious surface coverage does not exceed 25 percent of the lot; and
4. The lot is in separate ownership from abutting lands, except for lots created either by court order or through the Cook County Boundary Commission process, or platted subdivisions approved by the county and recorded in the Office of the County Recorder or Registrar of Titles of Cook County after 1971.

B. In a group of two or more contiguous lots of record under a common ownership, an individual lot shall be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

1. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the zone classification;
2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a sewage treatment system consistent with Cook County Septic Ordinance Number 58;
3. Impervious Surface coverage must not exceed 25 percent of each lot; and
4. Development of the lot must be consistent with the Cook County Land Use Guide Plan.

C. A lot subject to paragraph B above not meeting the requirements of paragraph B shall be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible.

D. Notwithstanding paragraph B, contiguous nonconforming lots of record under a common ownership shall be able to be sold or purchased individually if each lot was approved

through court order or through the Cook County Boundary Commission process, or if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Cook County Septic Ordinance Number 58or is connected to a public sewer.

E. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zone district for a new lot, and the newly created parcel is combined with an adjacent parcel.

F. Substandard lots containing a principle structure may add a permitted accessory structure, provided accessory structure will meet all minimum setback requirements of this Ordinance and will not cause the maximum percentage of the lot coverage requirements to be exceeded.

G. Additions to principle or accessory structures located on substandard lots may be permitted provided that any such addition will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot coverage to be exceeded.

H. Accessory buildings and additions to principle structures shall be allowed as permitted uses (and not require a variance from minimum lot size and minimum lot width) provided all setback requirements are met. The total area of all detached accessory buildings shall not exceed 500 square feet. In no case shall the total square footage of structures exceed 10% of the lot area.

Sec. 9.04 Non-Conforming Sewage Treatment Systems

A. All non-conforming septic treatment systems shall be managed in accordance with the Cook County Septic Ordinance No. 58.

Article 10 Conditional and Interim Uses

Sec. 10.01 Any use listed in this Ordinance as a conditional use may be permitted only after an application for a conditional use permit has been received by the Planning Commission and approved by the County Board of Commissioners.

Any use listed in this Ordinance as a conditional use may, at the discretion of the County, be processed and allowed as an interim use in accordance with MN Statute 394.303 if:

- such use will conform to the zoning regulations;
- if the date or event that will terminate the use can be identified with certainty;
- permission of the use will not impose additional costs on the public if it necessary for the public to take the property in the future; and
- the user agrees to any conditions that the County deems appropriate for permission of the use.

Sec. 10.02 Purpose

A conditional use is an activity or use that would not be appropriate if allowed outright in any number; but which if controlled as to number, location and activity, could be consistent with the Comprehensive Plan and not be injurious to the public health, safety or general welfare. The review of each proposed use must determine that it will or will not be compatible with the standard of this article and if it is found to be, must attach conditions to insure this continued compatibility.

An “interim use” is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Sec. 10.03 Conditional Uses Enumerated

A. Any use listed as a conditional use in any individual zoning district.

B. In any district, any of the following:

1. Antennas, relay towers, substations, pumping stations, pipe-lines and other equipment and related buildings for the transmission of utility services;
2. Airports, subject to conditions and overlay zoning consistent with the regulations of the State Dept. of Transportation;
3. Landfill and solid waste canister sites;
4. Sewage disposal plants;
5. Marinas on Lake Superior;
6. Major recreation complex, such as a ski area that depends on specific characteristics of the land;
7. County, State or Federal garages or service areas provided that they are not visible from any public right-of-way, public water or adjacent private lands;
8. Extraction and processing of sand, gravel and other minerals or gemstones; or

9. Mineral exploration.

C. Kennel Operations in any Shoreland area, except in the Lakeshore Residential (LSR) Zone District.

D. Any use not expressly identified as a permitted, conditional or prohibited use within this Ordinance may, at the discretion of the County, be processed as a conditional or interim use.

Sec. 10.04 Application, Hearings, Decisions and Conditions

A. Applications

1. An application for a conditional or interim use permit shall be filed with the Planning & Zoning Administrator on a proper form provided for that purpose, and shall be submitted in a timely manner as prescribed by the Planning Commission in its rules of procedure.

2. The application shall be complete and shall be accompanied by the required fee, detailed plans drawn to scale and showing all details of the land area and proposed use, as well as any other information hereinafter prescribed or as is necessary to make clear the nature of the request and proposed use.

3. The Planning & Zoning Administrator shall reject, and refuse to refer to the Planning Commission, any application not complying with the foregoing. Notification of rejection, along with the reason for such action, shall be given to the applicant within ten days of the decision.

B. Public Hearing Required

The procedure of Article 15 shall be followed in connection with each conditional use permit. Public hearings for interim use permit requests shall be processed through the same procedures outlined for conditional use permits.

C. Decisions

1. Decisions of the Planning Commission on all conditional and interim use permit applications shall be made according to the general requirements and criteria for such permits as listed in Sec. 10.05 of this Ordinance, and to any special requirements and criteria applicable to the particular application as listed in Sec. 10.06 of this Ordinance.

2. The Planning Commission shall report its findings and recommendations in writing to the County Board of Commissioners within 35 days of the close of the public hearing. The vote of the Commission shall be indicated in the written report.

3. Upon receipt of the report of the Planning Commission, the County Board of Commissioners shall make a decision upon the proposal to grant or deny a conditional use permit.

4. After a conditional or interim use permit is granted, a certified copy of the permit and the decision shall be filed with the County Recorder or Registrar of Titles for record.

The permit shall include a legal description of the property involved. It shall be the responsibility of the Planning & Zoning Administrator to carry out this provision.

D. Conditions

1. In issuing any conditional or interim use permit, the County Board of Commissioners may impose such conditions or restrictions as deemed necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics.

2. A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a review requirement may be placed as a condition on any permit.

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

Sec. 10.05 General Criteria and Requirements

A. All classes of conditional use permits may be approved only upon a showing by the applicant that the standards and criteria stated in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit by making such a showing. Absent such a showing, the Planning Commission shall not recommend approval of the application.

B. A conditional use permit may be granted on upon finding all of the following:

1. The use conforms to the land use or comprehensive plan of the county;
2. The use is compatible with the existing neighborhood;
3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district; and
4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

C. When in the opinion of the Planning Commission a conditional use permit may result in a material adverse effect on the environment the applicant may be requested by the Planning Commission to demonstrate the nature and extent of the effect.

D. Any Conditional or Interim Use Permit must be initiated or acted upon within three calendar years from the date of its approval or it shall be deemed void.

Sec. 10.06 Special Criteria and Requirements

A. Certain types of conditional uses require special standards to be applied beyond the general standards in this Article. In addition to the general criteria and requirements provided in Section 10.05 above, the following special criteria and requirements shall apply to each uses as listed.

B. Extraction and processing of sand, gravel and other minerals is subject to the following:

1. That any conditional use permit granted by the County Board be reviewed annually by the Planning Commission and Board of Commissioners to determine compliance with all conditions;
2. That a plan be submitted and recorded detailing the area excavated, showing drainage, access routes, haul roads, final contours, drainage and replanting of the area upon completion of excavation;
3. A mining permit application shall be submitted including the following:
    a. General information, including; legal description, name of applicant, name of landowner, total area of project, necessary permits and a general location map.
    b. Pre-mining conditions, including; current land use, adjacent and uses, groundwater elevation, map of pre-mining conditions, location of streams, lakes and wetlands located within or adjacent to project area, previous excavations, and location of wells in vicinity.
    c. Mitigating impacts, including; possible impacts and measures to mitigate impacts, screening measures, and erosion control practices.
    d. Description of mining activities, including; products to be mined, methods, equipment, transportation, disposal of brush and vegetative debris, retention of topsoil, estimated volume of material to be mined, hours of mining and processing activities, dust control, number of employees, dewatering activities, source of water, processing methods, storage of chemical substances, spill plan, and location of maintenance/fueling.
    e. Staging of operations, including; projected life of operation, progressive reclamation activities, stages, slope stabilization methods, and interim reclamation methods.
    f. Proposed reclamation, including; final slopes, anticipated topography, future land uses, disposition of surface or reclamation of oversize and undersize materials, seeding plans, long-term maintenance and estimate or reclamation cost of each phase of project.
4. That if in the course of the excavation a hazardous grade or drainage condition should exist, the person responsible for the permit application shall immediately correct that condition and, if necessary, fence the area of danger during the time required to eliminate the hazard.
5. Gravel Pit conditions check list shall be used as a guide in the conditional use permit review and is hereby adopted by reference.

C. Criteria for siting temporary asphalt hot mix plants

1. Separation distance from any asphalt plant to any residence or developed recreation area i.e. park, campground, school, etc. shall be a minimum of 2,600 feet. A lesser

setback shall be allowed provided the owners of all residential dwellings, located less than 2,600 feet from the asphalt plant sign a release allowing the temporary asphalt plant to be located at a setback of less than 2,600 feet.

2. Separation distance from any asphalt plant to any protected water of the State of Minnesota shall be a minimum of 200 feet.
3. A temporary permit shall be issued for a maximum of 100 days.
4. Operation requirements which shall be met prior to start of asphalt production:
    a. Bond $50,000 for spill contingency;
    b. Spill containment plan;
    c. Erosion control plan;
    d. Waste oil not allowed as plant fuel; and
    e. Must meet all State and Federal regulations.

D. Special Criteria for Kennel Operations

1. All kennel operations that require a Conditional Use Permit shall submit a facility operations plan along with the Conditional Use Permit application. The facility operations plan shall contain the following information:
    a. Name of kennel operator(s), address, phone number, signature and date;
    b. Type of kennel operation (i.e. breeding, rescue or sled dog);
    c. Number of dogs over six months of age to be permanently housed on property;
    d. Number of dogs over six months of age to be temporarily housed on property;
    e. Site plan, to include:
        1. Property location, acreage and location of nearest neighbors within 600 feet;
        2. Location of kennel, including any alternate or temporary sites;
        3. Setback distances from kennel area to property lines, neighboring homes, wells and any protected public waters;
        4. Any existing or proposed vegetative buffer strips;
        5. Waste management area (i.e. composting site, spreading area or storage bin);
        6. Location of wells and septic systems; and
        7. Location of dwellings on property.
    f. Waste management plan;
    g. Noise management or mitigation plan; and
    h. Description of supporting infrastructure, such as nearest trail system.

2. All kennel operations, including waste management areas, shall be setback a minimum of 100 feet from all wells in accordance with the state well code Minnesota Rules Chapter 4725, herein adopted by reference.
3. All kennel operation areas shall be set back a minimum of 100 feet from all adjoining property lines, except that kennels may be setback closer to any property lines that abut state or federal properties.
4. A vegetative buffer strip shall be maintained at least 100 feet between any kennel operational area, including waste management areas, and any protected waters or officially designated drainage ways that lead to protected waters. The width of the buffer strip may be increased considering the slope of the property, proximity to protected waters, and lake classification. Please reference to Soil and Water Conservation District guidance document for details.
5. The County Board, at its discretion, may impose additional setbacks on new kennel operational areas on a case-by-case basis upon the review of each conditional use permit request. In creating the site plan, the greatest distance from neighboring residences shall be considered by the applicant, encouraging a minimum setback distance of 600 feet from the closest residence.
6. The noise standards shall be enforced in conformance with Minnesota Pollution Control Agency Rules Chapter 7030, herein adopted by reference.

Sec 10.07 Mobil Home Parks

A. Purpose – It is the purpose of this regulation to permit the development of mobile home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens.

B. General requirements of Mobile Home Parks.

It shall be unlawful for any person to construct, alter or extend any mobile home park, structures or uses within the park unless they hold a valid permit issued by the Planning & Zoning Administrator upon compliance with all other requirements imposed by law, the following regulations shall be observed:

1. Area and yard requirements: Mobile home parks shall comply with all area and yard requirements prescribed for such uses in the district in which it is located.
2. Lot area occupancy: The buildings and mobile homes in any mobile home park, together with any non-accessory buildings shall not occupy in the aggregate more than twenty-five percent of the area of the lot.
3. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Ordinance, provided that there shall be at least two off-street parking spaces for each mobile home lot and one additional space for each four such lots to accommodate guests if adequate space is not available on interior streets.

4. Accessory buildings: All mobile homes which are established within a mobile home park shall have an accessory building for storage purposes for each mobile home unit. The size of the accessory building shall be a minimum of 4' x 6'.

C. Mobile Home Parks, Submission of Plan

An application for the establishment of a mobile home park shall be filed with the Planning & Zoning Administrator and must be accompanied by a plat, drawn to scale. Such drawing shall include, but not necessarily be limited to the following:

1. Accurate dimensions of the proposed mobile home park;
2. The number, location and size of all mobile home lots;
3. The location and width of roadways, walkways, approaches and method of ingress and egress from public highways;
4. The locations of electric power or gas distribution systems, water mains or wells or water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, fire hydrants, and other buildings, structures or uses contemplated for use by the applicant; and
5. Copy of application to Minnesota Department of Health for operation of a mobile home park.

D. Mobile Home Park Requirements

Mobile home parks shall be designed and maintained in accordance with the following requirements:

1. Park Area: The minimum mobile home park area shall be 5 acres.
2. Lot Area: The minimum lot area per mobile home unit site within the park shall be 5,000 square feet.
3. Lot Width: The minimum lot width per mobile home unit site within the park shall be 50 feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. Access: Each park shall have direct access to a state highway, county, or township road and each mobile home lot shall have direct access to a private hard surface road.
5. Mobile Home Siting: Mobile homes shall meet required road setback of zoning district and be at least 40 feet from mobile home park boundary. There shall be a minimum distance of 20 feet between an individual mobile home and the right-of-way of a mobile home park street or common parking area or other common areas. Mobile homes with their additions shall be separated from each other and from other buildings and structures by at least 20 feet, provided that mobile homes placed end to end may have a clearance of 10 feet where opposing rear walls are staggered.
6. Support Base: Each mobile home unit lot shall be equipped with a hard surface gravel base of sufficient size to support the wheels and the front parking jack.

7. Interior Streets: The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on two sides shall be 36 feet. Grading shall be approved by the Planning Commission for residential streets and maintained in good condition.
8. Sanitary System Connection: No mobile home shall remain in a mobile home park without connection to a sanitary system.
9. Mobile Home Additions: It shall be unlawful to construct, erect, attach, or cause to be constructed, erected, or attached any enclosure room, wing, annex, entrance, porch or other similar structure to any mobile home coach or on any mobile home lot unless the same is so designed and constructed of permanent durable material retaining the basic design of the original mobile home; provided further that the total of such additional structure or structures shall not exceed 25 percent of the square footage. No such awnings or screened enclosures shall be left on a mobile home lot unless a mobile home is also parked on the lot. Building permits shall be required for additions or alterations to a mobile home or other structures within the mobile home park.
10. Maintenance: It shall be the responsibility of the mobile home park owner to see that good housekeeping and living conditions are maintained in the mobile home park at all times. Each mobile home lot shall be landscaped or maintained in grass. No unused building materials, debris, or other rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums, or trailer equipment or other materials unless it be effectively screened or concealed.
11. Vehicle Storage: No more than two motor vehicles shall be stored or kept on any mobile home lot. No vehicle shall be dismantled, nor shall mechanical work except of a minor repair nature be done on any vehicle on a mobile home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored, or kept on a mobile home lot or in a mobile home park, except a vehicle that became inoperable when it was in the mobile home park and then it shall not be parked in that condition for a period of more than 7 days.

Sec. 10.08 Bed and Breakfast Home Standards

A. A maximum of 5 bedrooms may be rented with a maximum occupancy of 10 persons at one time.

B. Off-street parking shall be provided with a minimum of one space per quest room and one space for the operator.

C. Bed and breakfast facilities shall meet lot size and all setback requirements for the zone district in which they are located.

D. Signs shall be non-illuminated and limited to a maximum size of 6 square feet.

E. The owner or manager shall be in residence when rooms are being rented by the paying guests.

F. The septic system shall be to code and sized for the proposed use.

G. The facility shall not be used for commercial receptions, parties, etc. for other than overnight guests.

H. A license is required by the Cook County Health Department.

I. If ownership is transferred, an amended conditional use permit must be applied for by the new owner within 60 days of the change of ownership. The conditional use permit will terminate if the amended permit is not requested within 60 days.

Sec. 10.09 Mobile Home or Long Term Use Recreational Vehicle Standards.

A. Placement of mobile homes or recreational vehicles shall meet all required setbacks.

B. Sanitary facilities shall be provided on site.

C. Only one permit shall be allowed per parcel; except on conforming parcels within the FAR-1, FAR-2 and FAR-3 zone districts, two recreational vehicle permits are allowed.

D. All mobile homes shall be placed on a permanent foundation.

E. Not for use as a rental unit.

Article 11 Planning Commission

Sec. 11.01 Creation

The County Board hereby created a Planning Commission pursuant to Minnesota Statutes 394.30 and all acts amendatory thereof.

Sec. 11.02 Membership

A. The Planning Commission shall consist of seven (7) voting members who shall be appointed by the County Board of Commissioners as provided in this Ordinance, all of whom shall be residents of Cook County.

B. A majority of voting members shall reside in the unincorporated areas under the jurisdiction of the County.

C. A non-voting, ex-officio member shall also be a member of the County Board of Commissioners.

D. No more than two voting members may reside in an organized town administering its own zoning ordinance.

E. No more than one voting member shall be an officer or employee of the County.

Sec. 11.03 Appointments

A. Method of Appointment

At the first required meeting of the County Board in each calendar year, the Chairman of the County Board shall appoint members to the Planning Commission to fill expired terms. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

B. Terms of Office

1. Except as provided below, each member of the Planning Commission shall be appointed to serve for a period of three calendar years.
2. The County Board member serving on the Planning Commission shall be appointed for a term of one calendar year.
3. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than four terms, including that of the County Board member, shall expire at the close of any calendar year.
4. Each calendar year shall be presumed to run from the date of the first required meeting of the County Board in a given calendar year to said meeting date in the next following calendar year.

C. Vacancies

1. Appointments shall be made by the County Board to fill any vacancy for the unexpired duration of the term. Such appointments shall be made at the earliest possible convenience of the Board.

2. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
    a. Death of a member; or
    b. Resignation of a member.

Sec. 11.04 Removal for Cause

The following shall be deemed sufficient cause for the County Board of Commissioners to remove any regular Planning Commission member. The County Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by either the Chairperson of the Planning Commission or the Planning and Zoning Administrator.

A. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any 12-month period.

B. Failure of the member to attend three consecutive regular Commission meetings, or to attend any four consecutive regular and special Commission meetings.

C. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's service of little value to the County. The County Board of Commissioners shall make judgment on such matters after receiving a report of the Chairperson or the Administrator as provided in this section above.

D. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes Chapter 394.21 to 394.37, and all acts amendatory thereof.

E. Any change in residency status from unincorporated to incorporated, if the change causes the makeup of the Commission to be inconsistent with Sec. 11.02(B) of this Article.

F. Inability to carry out the effective duties of the Commission due to a conflict of interest.

Sec. 11.05 Organization and Procedures

A. Officers

The Planning Commission shall elect a chairperson and vice-chairperson from among its regular members, and shall elect a secretary from among its regular members or County Planning and Zoning Staff.

B. Rules of Procedure

The planning Commission shall adopt rules for the transaction of its business which shall be consistent with the statutes of the State of Minnesota and the Ordinance of this County.

C. Meetings

1. The meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Commission in its rules of procedure may specify.
2. All meetings of the Planning Commission shall be open to the public pursuant to Minnesota Statutes.

D. Voting

1. Each regular member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.

2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote. The member who is being challenged shall not vote nor their presence be counted to determine the majority of those attending.

3. Any member who believes they may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Planning Commission shall disclose such interest and either disqualify themself or seek a ruling pursuant to paragraph D(2) of this section.

4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge the Commission shall decide the question pursuant to paragraph D(2) of this section.

E. Records

The Planning Commission shall keep a written public record of all its transactions, findings and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Sec. 11.06 Authority and Duties

A. Plan Preparation and Review

1. The Planning Commission shall cooperate with the Planning and Zoning Administrator and other employees of the County in preparation and recommending to the County Board for adopting a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.

2. The Planning Commission, in conjunction with the Planning and Zoning Department, shall review any comprehensive, land use, or other plans, or any official controls sent to the County for review by any local unit of government, any council of governments, or any regional, state or federal agency and shall report thereon in writing to the County Board.

B. Public Hearings

1. The Planning Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, all subdivision platting proposals, and other matters as may be prescribed by Ordinance of this County.

a) On all other matters which are before the Planning Commission for public hearing, the Commission shall report in writing to the County Board.

2. The Planning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other Ordinances of this County.

Sec. 11.07 Compensation

The voting members of the Planning Commission may be compensated in an amount determined by the County Board. All voting members of the Planning Commission, including the member of the County Board, may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of business of the Planning Commission. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to the County Board member pursuant to Minnesota Statutes, Chapter 375.055, Subd. 1.

Article 12 Amendments

Sec. 12.01 General

This Ordinance, and the Zoning Map, may be amended whenever the public health, safety, convenience and general welfare would be best served by such amendment, in accord with the County's Comprehensive or Land Use Plan, if any, by the procedures set forth in this Article.

Sec. 12.02 Zoning Ordinance Text

A. An amendment to this Ordinance text may be initiated by the County Board, Planning Commission, the Planning and Zoning Administrator, or affected property owners. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing, and report back to the County Board in writing.

B. Public hearings on text amendments by the Planning Commission including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinances by counties, and by the standards set forth in Article 15 of this Ordinance.

C. After conducting a public hearing on an Ordinance text amendment, the Planning Commission shall report in writing to the County Board within 30 days of the close of the public hearing. Failure of the Planning Commission to report to the County Board within the herein prescribed time shall be deemed to be an approval by the Commission of the proposed amendment. Upon expiration of said 30-day period, or upon filing of a report by the Planning Commission, the County Board in the manner prescribed by Minnesota Statutes, may by Ordinance adopt the amendment or any portion thereof as it deems advisable.

Sec. 12.03 Zoning Ordinance Map

A. An amendment to the Zone District Map may be initiated by the County Board, the Planning Commission, the Planning and Zoning Administrator, or by the property owner of record or authorized representative.

B. The Planning Commission shall conduct at least one public hearing on all proposed Zone District Map amendments and report to the County Board in writing within 20 days of the close of the hearing.

1. The Planning Commission shall give notice of public hearings for Zone District Map amendments in the manner prescribed in Article 15 of this Ordinance.

2. The Planning Commission's report to the County Board shall contain a statement of evidence relied upon, the factual determinations made from the evidence, and the criteria used in determinations made from the evidence, and the criteria used in reaching its recommendation.

3. Failure of the Planning Commission to report to the County Board within the herein prescribed time shall be deemed to be approval by the Commission of the proposed amendment.

C. Upon the filing of a report by the Planning Commission or upon expiration of the 20-day period, the County Board may by resolution adopt the amendment or any portion thereof as it deems advisable.

D. Criteria for Zone District Map Amendments

1. Amendments to the Zone District Map, as described in Section 4.02 of this Ordinance shall include an evaluation of the following considerations:

a. Is the proposed zoning consistent with the comprehensive plan or land use plan adopted by the County, if existing?

b. Has a mistake been made in the original zoning which was inconsistent with the comprehensive or land use plan, which should now be corrected along with the zoning; or have substantial changes occurred in the community since the adoption of the comprehensive or land use plan, which should result in the plan(s) and the zoning being amended?

c. Does there exist a clear public need for the benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the landowner?

d. Beyond a public need being evident, is there a showing that the public interest would be best served by rezoning the property in question rather than other property in the community?

e. In the case of down zoning, which is the changing of a zone district from a higher or more intensive use to a lower or less intensive use, does the proposed zoning allow the property owner a reasonable use of their property under the terms of this Ordinance, as well as serve the public interest?

2. Additional Criteria for ROSO Rezone.

In addition to the considerations listed in Section 12.03, D.1, any petition for rezoning to the Residential Open Space Overlay (ROSO) District shall be evaluated under the following criteria. Rezoning shall only be approved when findings are made that the parcel and surrounding area are appropriate for application of the ROSO District based on the following criteria:

a. Consistency with County Land Use Guide Plan – The proposed rezoning is consistent with the Cook County Land Use Guide Plan and any applicable sub-area or township plans.

b. Transportation and Access – Adequate road access exists to support the proposed residential density, including safe ingress and egress with year-round maintenance.

c. Public Services and Utilities – The proposed rezoning does not create undue strain on emergency services, utilities, schools, or other public infrastructure, and the area proposed for rezoning is located in reasonable proximity to such services.

d. Sensitive Features and Open Space – Sensitive natural features in the area proposed for rezoning — including public watercourses, wetlands, bluffs or steep slopes, hydric soils, significant vegetation, and bedrock outcroppings — can be reasonably preserved within the designated open space of an open space subdivision.

e. Compatibility with Surrounding Uses – Available lot density upon rezoning and possible lot patterns are compatible with adjacent land uses and will maintain the rural and natural character of the area.

f. Quality of Open Space – Open space in the area proposed for rezoning will not consist solely of marginal or undevelopable land. Open space will maximize conservation value, including the protection of sensitive features, wildlife habitat connectivity, recreational opportunities, and/or agricultural uses, and may be located to provide a buffer providing privacy for adjacent property owners or reducing the visual impact of new development.

g. Public Benefit – The proposed rezoning serves the public welfare, advancing a clear public benefit such as supporting workforce housing, providing diverse housing options, or advancing county housing and land use goals. Convenience of the landowner is insufficient to support a rezoning request.

Article 13 Board of Adjustment

Sec. 13.01 Creation

The County Board hereby creates a Board of Adjustment pursuant to Minnesota Statutes 394.27 and all acts amendatory thereof.

Sec. 13.02 Membership

A. The Board of Adjustment shall consist of five regular members who shall be appointed by the County Board as provided in this Ordinance, all of whom shall be residents of Cook County.

B. A majority of the members of the Board of Adjustment shall reside in the unincorporated areas under the jurisdiction of Cook County.

C. Each member shall also be a member of the Cook County Planning Commission.

D. A liaison member from each organized town may be appointed as a non-voting ex-officio member.

E. No elected officer of the County, nor any employee of the Board of Commissioners shall serve on the Board of Adjustment.

F. No more than one member may reside in an organized town administering its own zoning ordinance.

Sec. 13.03 Appointments

A. Method of Appointment

At the first required meeting of the County Board in each calendar year, the Chairperson of the County Board shall appoint members to the Board of Adjustment to fill expired terms. The appointments shall be made upon approval of the Board by a majority vote of the entire Board.

B. Terms of Office

1. Except as provided below, each member of the Board of Adjustment shall be appointed to serve for a period of three calendar years.
2. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than one term shall expire at the end of any given calendar year.
3. Each calendar year shall be presumed to run from the date of the first required meeting of the Board in a given calendar year to said meeting date in the next following calendar year.
4. No person shall be appointed more than three consecutive full terms in office.

C. Vacancies

1. Appointments shall be made by the County Board to fill any vacancy for the unexpired duration of the term. Such appointments shall be made at the earliest possible convenience of the County Board.

2. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
    a. Death of a member; or
    b. Resignation of a member.

Sec. 13.04 Removal for Cause

The following shall be deemed sufficient cause for the County Board of Commissioners to remove any Board of Adjustment member. The County Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by either the Chairperson of the Board of Adjustment or the Planning and Zoning Administrator.

A. Failure of the member to attend one-third of the regularly scheduled Board of Adjustment meetings in any 12 month period.

B. Failure of the member to attend three consecutive regular Board of Adjustment meetings, or to attend four consecutive regular and special Board of Adjustment meetings.

C. Attendance at several regular or special Board of Adjustment meetings for such short length of time as to render the member's service of little value to the County. The County Board of Commissioners shall make judgment on such matters after receiving a report of the Chairperson or the Planning and Zoning Administrator as provided in this section above.

D. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes 394.21 to 394.37, and all acts amendatory thereof.

E. Any change in residency status from unincorporated to incorporated, if the change causes the makeup of the Board to be inconsistent with Section 13.02 of this Article.

F. Inability to carry out the effective duties of the Board due to a conflict of interest.

Sec. 13.05 Organization and Procedures

A. Officers

The Board of Adjustment shall elect a chairperson and vice-chairperson from among its members, and shall appoint a secretary who need not be a member.

B. Rules of Procedure

The Board of Adjustment shall adopt rules for the transaction of its business which shall be consistent with the Statues of the State of Minnesota and the Ordinances of this County.

C. Meetings

1. The meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment in its rules of procedure may specify.
2. All meetings of the Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.

D. Voting

1. Each member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote. The member who is being challenged shall not vote nor their presence be counted to determine the majority of those attending.
3. Any member who believes they may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Board of Adjustment shall disclose such interest and either disqualify themselves or seek a ruling pursuant to Section 13.05(D)(2) above.
4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board shall decide the question pursuant to Section 13.05(D)(2) above.

E. Records

The Board of Adjustment shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Sec. 13.06 Compensation

The members of the Board of Adjustment may be compensated in any amount determined by the County Board, and may be paid their necessary expenses in attending meetings of the Board of Adjustment and in the conduct of business of the Board of Adjustment.

Article 14 Variances and Other Appeals

Sec. 14.01 General

A. Appeals for variances from the terms of this Ordinance, or from any order, requirement, decision or determination made by the Planning and Zoning Administrator shall be made to the Board of Adjustment.

B. Such appeals may be taken by any person aggrieved, or by an officer, department, board or bureau of a town, municipality, county or state.

C. Such appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Planning and Zoning Administrator of any order, requirement, decision or determination made by them.

D. Any appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certify that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

Sec. 14.02 Applications, Hearings, Decisions and Criteria

A. Applications

1. Appeals shall be filed with the Board of Adjustment on a form provided by the Planning and Zoning Administrator.
2. Appeals shall be filed in a timely manner in advance of a scheduled hearing date as the Board of Adjustment may provide in its rules of procedure.
3. Appeal forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.
4. The appeal shall be accompanied by the required fee.
5. The Planning and Zoning Administrator shall reject, and refuse to refer to the Board of adjustment any appeal not accompanied by the required fee or other materials and information as required by this Ordinance.

B. Hearings

1. The Board of Adjustment shall conduct a public hearing on each appeal.
2. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and shall give due notice thereof as provided in Article 15 of this Ordinance.
3. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board of Adjustment.

C. Decisions

1. Decision by the Board of Adjustment shall be made within 35 days of the date a public hearing is closed.

2. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact.
3. The Board of Adjustment shall render its decisions in writing stating its reasons in sufficient detail so that it can be determined that the decision was made on criteria contained in this Ordinance.
4. A certified copy of any order issued by the Board of Adjustment acting upon any appeal shall be filed with the County Recorder or Registrar of Titles for record. The order shall include a legal description of the property involved. It shall be the responsibility of the Planning and Zoning Administrator to carry out this provision.
5. After any appeal to the Board of Adjustment has been approved the applicant shall have 60 days after receipt of notice of the decision to make application to the Planning and Zoning Administrator for any permit necessary to begin the structure or use for which the appeal was made.
6. A variance shall be valid for a period of three years, and if not acted upon by the applicant or their assigns within that time, the variance shall be void.

D. Criteria for Decisions

1. Variances
    a. The Board of Adjustment may authorize a variance from the terms of this Ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty would be created by carrying out the strict letter of the Ordinance, and when the terms of the variance are consistent with the spirit and intent of this Ordinance and with the County's Land Use or Comprehensive Plan.
    b. In evaluating "Practical Difficulties as used in connection with the granting of a variance, the Board of Adjustment must consider the following criteria:
        i. The variance is consistent with the goals and policies of the Comprehensive Land Use Guide Plan, and in harmony with the general purpose and intent of the Cook County Zoning Ordinance and other Cook County Official Controls;
        ii. The proposed use of the property is allowed in the land use district in which the property is located;
        iii. The property owner is proposing to use the property in a reasonable manner not permitted by the Cook County Zoning Ordinance;
        iv. The property owner has established that the practical difficulty involved is due to circumstances unique to the property, and not created by the property owner;
        v. Approving the variance maintain the essential character of the locality; and

vi. The property owner has established that the practical difficulty involves more than economic considerations alone.

d. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

e. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.

f. It shall be the burden of the appellant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing as provided in Minnesota Statues and this Ordinance, the Board of Adjustment shall not approve any variance.

g. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. Any conditions imposed must be directly related to and must bear a rough proportionality to the impact created by the variance.

2. Other Appeals

a. The Board of Adjustment shall always act with due consideration to promote the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.

b. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The Board of Adjustment may also reverse or affirm wholly or partly any land use related “after the fact” fee imposed by the Department.

Sec. 14.03 Appeals from the Board of Adjustment Decisions

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction of the State shall have the right to appeal within thirty (30) days, after the receipt of notice of the decision, to the District Court in the county in which the land is located, on questions of law and fact.

Article 15 Hearings and Hearing Notices

Sec. 15.01 General

As prescribed in this Ordinance, public hearings shall be held before any Zoning Ordinance text amendment, Zone District Map amendment, Conditional Use Permit, Variance appeal, or other appeal may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

Sec. 15.02 Hearing Notices

A. Notice shall be given to the public, and, on request, to any federal, state, county or municipal office to which it might pertain, for each required public hearing as prescribed in this section.

B. Zoning Ordinance Text Amendments

1. Notice of public hearings regarding Zoning Ordinance text amendments shall be published in newspapers of this county as prescribed by Minnesota Statutes.

2. In addition to the requirements of M. S. 375.51, written notice of public hearings on all text amendments shall be sent to the governing bodies of all towns and municipalities located within the County.

C. Zoning Ordinance Map Amendments

1. For map amendments initiated by petition of the property owner, notice of the time, place and purpose of the hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the County, at least 10 days before the hearing. Written notice providing the same information shall be sent to all property owners of record within 500 feet of the affected property in incorporated areas, and within one-half mile of the affected property in unincorporated areas, to the clerk of the affected town board of supervisors, to the municipal council of any municipality within 2 miles of the affected property, and to the applicant.

2. For map amendments initiated by the County Board or Planning Commission, notice shall be given in the manner prescribed in Sec. 15.02(C)(1) of this Article, except that, in instances of a town or county wide amendment resulting from the recent completion of a comprehensive plan or plan amendment, written notice need not be sent to property owners of record.

D. Conditional and Interim Use Permits

Written and published notice of hearings on Conditional Use Permit applications shall be given in the same manner as prescribed in Sec. 15.02(C)(1) of this Article, except:

1. For all Conditional Use Permit applications, written notice shall be sent to property owners of record within 500 feet of the affected property in incorporated areas, and

within one-quarter mile, or nearest 10 owners, whichever is greater, in unincorporated areas.

E. Variance Appeals

Written and published notice of hearings on Variance appeals shall be given in the same manner as prescribed in Sec. 15.02(C)(1) of this Article, except that, for all Variance appeals, written notice shall be sent to property owners of record within 500 feet of the affected property in incorporated areas and within 500 feet, or the nearest 10 owners, whichever is greater, in unincorporated areas.

F. Other Appeals

1. When an appeal is taken from any order, requirement, decision or determination of the Planning and Zoning Administrator, if such appeal is regarding the application of this Ordinance to specific properties, written and published notice shall be given in the same manner as prescribed in Sec. 15.02(C)(1) of this Article.
2. When such appeal affects the interpretation and application of this Ordinance in general, and not to specific properties, notice shall be published in the official newspaper of the County at least 10 days before the hearing, and shall be sent to the applicant.
3. Notice shall also be provided to the Planning and Zoning Administrator.

Sec. 15.04 Hearing Procedures

Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this Ordinance, and of the rules of procedure of the Planning Commission or Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.

In order to provide the Planning Commission and Board of Adjustment members sufficient time to consider written information, all written materials intended to be presented to the Planning Commission or Board of Adjustment in preparation for a public hearing shall be submitted to the Land Services Department no later than 4:00 p.m. on the Wednesday prior to the scheduled public hearing.

In the event that there are multiple individuals who wish to comment on the same item, the Chair of the Planning Commission, or Board of Adjustment, may impose appropriate time limits in order to ensure that everyone has an opportunity to speak.

Article 16 Administration, Enforcement & Penalties

Sec. 16.01 Administrator

The County Board shall appoint a Planning and Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this Ordinance. Their administrative functions shall include, but not be limited to, the duty to:

A. Provide necessary forms and applications.

B. Issue Land Use Permits upon demonstration of the applicant's compliance with the provisions of this Ordinance.

C. Identify and record information relative to non-conformities.

D. Provide assistance in preparing zone changes and amendments to the ordinance text or map.

E. Maintain files of applications, permits and other relevant documents.

F. Maintain the Zone District Map.

G. Make an annual report of their activities to the County Board.

Sec. 16.02 Powers

The Land Services Director, Planning and Zoning Administrator or designated staff of the Land Services Department shall have the powers and authority including, but not limited to the following:

A. Inspection of a property upon the submission of a permit application or the issuance of a permit, for the purpose of processing the application or verifying the work is being or has been performed in accordance with the plans, specifications, and conditions of the permit.

B. Access to any property for the purpose of performing their duties between 8:00 a.m. and 6:00 p.m. or by the permission of the property owner or judicial court order.

C. Upon reasonable cause or question as to permit compliance, to revoke or suspend any permit or authorization issued under this ordinance and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

D. To administratively waive certain "after the fact" fees as may be deemed appropriate in order to gain compliance either in enforcement cases where multiple "after the fact" fees apply or in cases where construction had been performed by a previous property owner without the new owner's knowledge.

Sec. 16.03 Permits

A. No land or structure shall be changed in use and no structure, including decks, shall be erected, placed, removed and replaced, altered in its exterior dimensions or moved until the Planning and Zoning Administrator has approved and issued a Land Use Permit, certifying

that the plans and intended use of the land and structures are in conformity with this Ordinance.

B. Applications for Land Use Permits shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including relation to abutting streets or roads, any abutting lakes or streams and the existing and proposed use of each structure and lot, and the number of families to be accommodated.

C. No Land Use Permit shall be issued to establish a use on any lot, parcel or tract which has been divided or transferred in violation of the Subdivision Regulations of Cook County

D. No Land Use Permit shall be required for placement of the following:

1. Local public utility distribution lines;
2. Accessory structures less than 161 square feet provided they meet required setbacks;
3. Unsided woodsheds, provided they meet all required setbacks.
4. Portable fabric or plastic covered hoop storage building or greenhouse less than 300 square feet in size provided it is not installed on a cement slab or permanent foundation and provided it meets all required setbacks. Limit of one storage building or greenhouse;
5. Boardwalks up to 4 feet wide, provided they meet the general provisions of Sec. 7.16.;
6. Stairways, ramps and landings used for ingress and egress from principal and accessory structures provided the stairways and ramps do not exceed four feet in width and the landings do not exceed 32 square feet in area.
7. Solar panels mounted on the roof of a residential structure such as a house or private garage.

E. Construction of a building or commencement of a use shall be substantially begun by December 31st of the year following approval of the permit or said permit shall become void. The County may grant an administrative extension for up to an additional 12 months upon a request in writing prior to the expiration of the permit.

F. Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed a permission to build or begin a land use. It shall be the responsibility of the Planning and Zoning Administrator, or their designee, to notify the property owner upon the discovery of an erroneous application.

G. Where any portion of the County subject to the provisions of this Ordinance is also subject to provisions of any proper airport zoning ordinance, no permit shall be issued pursuant to this Ordinance unless, the plans for intended use of the property in question are certified by the airport zoning ordinance administrator to be in conformity with said airport zoning ordinance.

H. The contractor performing the work covered under the land use permit is jointly responsible with the owner for compliance with all provisions of the permit.

I. Hoop greenhouses and high tunnels over 300 square feet in size require a Land Use Permit but if these structures are used for gardening or agricultural purposes in the FAR 1-2-3 zone districts no additional permit will be required to relocate these structures provided the new location meets all required setbacks.

J. Detached decks larger than 64 square feet in size require a Land Use Permit. All decks requiring a permit must meet the setbacks for the zone district they are located in.

K. Freight semi-trailers stored on a property and not licensed for use as over-the-road trailers require a Land Use Permit if they are over 160 square feet in size. Semi-trailers requiring a Land Use Permit are required to meet the structure setbacks for the zone district they are located in.

L. Solar panels mounted on the roof of a commercial building require a Land Use Permit. Solar panels mounted as a free-standing array on the ground require a Land Use Permit if the array is greater than 160 sq. ft. in size. The ground-mounted array is required to meet the setbacks for the zone district it is located in.

M. Tiny homes and park model recreational vehicles delivered to a property on wheels require a Recreational Vehicle Permit if intended for permanent seasonal use. These units may qualify for a Land Use Permit if the unit is placed on a foundation or blocks, has the wheels removed, has skirting installed to hide the undercarriage, has the tow hitch removed or covered so it is not visible, and is placed in a permanent, conforming location on the property.

N. Structures intended for human habitation and any building used as sleeping quarters requires a Land Use Permit. An accessory structure converted to sleeping quarters requires a Land Use Permit for change of use.

Sec. 16.04 Enforcement

A. The Planning and Zoning Administrator shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and, compliance is not obtained within a reasonable period of time, they shall report such violation to the County Attorney, who shall take appropriate and immediate action on the matter.

B. Taxpayers within the County may institute mandamus proceedings to compel specific performance by property officials in reference to administration or enforcement of the Zoning Ordinance.

C. Cook County may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The County Board, or any member thereof, upon notification from the Planning and Zoning Administrator, may initiate

action to prevent, restrain, correct or abate violations or threatened violations. The County Board may at a later date vote to discontinue proceedings.

Sec. 16.05 Penalties

Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute a separate offence. All fines for violations shall be paid to the County and shall be credited to the General Revenue fund.

Article 17 Fees

Sec. 17.01 The County Board shall establish, by resolution, a schedule of fees applicable to all permit applications, petitions and appeals. The fee schedule resolution for all fees relating to permit applications, petitions and appeals shall be included as a part of the overall Cook County Fee Schedule, which is maintained by the Cook County Auditor's Office. The schedule of fees may be altered or amended by County Board resolution.

Sec. 17.02 No application for a land use permit, conditional use permit, or any other required permit, nor any petition to amend the Zoning Ordinance Map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order to the Planning and Zoning Administrator. Receipt of fees shall be subject to their collection by the County. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectable.

Sec. 17.03 Should a permit, certificate, petition or appeal be denied, the fee shall not be refunded.

Article 18 Validity

Sec. 18.01 Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 18.02 Should this Ordinance be declared unconstitutional or invalid in its application to any given property or use, such decision shall not affect the validity or constitutionality of this Ordinance as applied to other properties or uses.

Article 19 Repeal of Conflicting Ordinance

Any Zoning Ordinance existing at the time of adoption of this Zoning Ordinance, together with all amendments and supplements thereto, and all other ordinances promulgated by the County which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency and no further, hereby repealed.

Article 20 Effectuation

This Ordinance shall take effect on May 24, 1993.

Commissioner Hedstrom moved the adoption of this Ordinance and Commissioner Bloomquist duly seconded the motion and it was adopted on the following vote:

Yeas: Bloomquist, Hall, Hedstrom, Modl
Nayes: Lindskog
Absent: None

Latest major amendments were adopted in 2026:

February 24, 2026

Sec. 12.03 Zoning Ordinance Map

D. Criteria for Zone District Map Amendments

Section 12.03, D.2) Additional Criteria for ROSO Rezone

In addition to the considerations listed in Section 12.03, D.1, any petition for rezoning to the Residential Open Space Overlay (ROSO) District shall be evaluated under the following criteria. Rezoning shall only be approved when findings are made that the parcel and surrounding area are appropriate for application of the ROSO District based on the following criteria:

a. Consistency with County Land Use Guide Plan – The proposed rezoning is consistent with the Cook County Land Use Guide Plan and any applicable sub-area or township plans.

b. Transportation and Access – Adequate road access exists to support the proposed residential density, including safe ingress and egress with year-round maintenance.

c. Public Services and Utilities – The proposed rezoning does not create undue strain on emergency services, utilities, schools, or other public infrastructure, and the area proposed for rezoning is located in reasonable proximity to such services.

d. Sensitive Features and Open Space – Sensitive natural features in the area proposed for rezoning — including public watercourses, wetlands, bluffs or steep slopes, hydric soils, significant vegetation, and bedrock outcroppings —can be reasonably preserved within the designated open space of an open space subdivision.

e. Compatibility with Surrounding Uses – Available lot density upon rezoning and possible lot patterns are compatible with adjacent land uses and will maintain the rural and natural character of the area.

f. Quality of Open Space – Open space in the area proposed for rezoning will not consist solely of marginal or undevelopable land. Open space will maximize conservation value, including the protection of sensitive features, wildlife habitat connectivity, recreational opportunities, and/or agricultural uses,

and may be located to provide a buffer providing privacy for adjacent property owners or reducing the visual impact of new development.

g. Public Benefit – The proposed rezoning serves the public welfare, advancing a clear public benefit such as supporting workforce housing, providing diverse housing options, or advancing county housing and land use goals. Convenience of the landowner is insufficient to support a rezoning request.

Appendix I

Lakeshore Residential Districts

Lake Name	Legal Description	Size of Lake
Agnes Lake*	T60N, R3W	71 Acres
Aspen Lake	T64N, R1W	144 Acres
Benning Lake*	T64N. R3W	18 Acres
Binagami Lake*	T62N, R1E	127 Acres
Birch Lake	T65N, R1W & R2W	266 Acres
Bogus Lake*	T62N, R2E	22 Acres
Bow Lake*	T64N, R1W	30 Acres
Caribou Lake	T60N & T61N, R3W	714 Acres
Cascade Lake*	T62N, R2W & R3W	534 Acres
Chester lake*	T64N, R3E	50 Acres
Christine Lake	T61N, R3W	192 Acres
Clara Lake	T61N, R3W	418 Acres
Clearwater Lake	T65N, R3E	1,537 Acres
Cupid Lake	T66N, R4W	
Deer Yard Lake	T61N, R2W	358 Acres
Devil Track Lake	T62N, R1E	1,873 Acres
Devilfish Lake*	T64N, R3E	417 Acres
Dyers Lake*	T58N, R5W	71 Acres
East Bearskin Lake	T64N, R1E	643 Acres
East Pope Lake	T65N, R2W	44 Acres
East Twin Lake*	T63N, R1E	173 Acres
Elbow Lake	T62N, R1E	415 Acres
Esther Lake*	T63N & T64N, R3E	77 Acres
Extortion Lake*	T64N, R4W	20 Acres
Flour Lake	T64N, R1E	352 Acres
Greenwood Lake	T64N, R2E	2,078 Acres
Gull Lake	T65N, R4W & R5W	174 Acres
Gunflint Lake	T65N, R2W & R3W	2,240 Acres
Gust Lake	T62N, R3W	159 Acres
Holly Lake*	T61N, R3W	78 Acres
Hungry Jack Lake	T64N & T65N, R1W	486 Acres
Iron Lake	T64N & T65N, R2W	138 Acres
Jock Mock Lake*	T62N, R3W	23 Acres
Kemo Lake	T63N, R1W	193 Acres

* Natural Environment Lake

Lake Name	Legal Description	Size of Lake
Leo Lake	T64N, R1W	114 Acres
Little Cascade Lake*	T62N, R2W & R3W	306 Acres
Little Gunflint Lake*	T65N, R2W	111 Acres
Little Iron Lake*	T64N & T65N, R2W & R3W	121 Acres
Loon Lake	T65N, R3W	1,197 Acres
Magnetic Lake	T65N, R3W & R4W	199 Acres
Mayhew Lake	T65N, R2W	247 Acres
McFarland Lake	T64N, R3E	394 Acres
Mink Lake*	T62N, R2E	60 Acres
North Fowl Lake	T65N, R3E	422 Acres
Onagon Lake	T66N, R4W	22 Acres
Pancore Lake*	T61N, R4W	33 Acres
Pickerel Lake*	T62N, R1E	44 Acres
Pike Lake	T61N, R2W	850 Acres
Pine Lake	T63N, R1W	98 Acres
Poplar Lake	T64N, R1W & R2W	950 Acres
Portage Lake*	T64N & T65N, R2W	153 Acres
Road Lake	T64N, R1W	15 Acres
Round Lake	T65N, R4W	168 Acres
Saganaga Lake	T66N & T67N, R4W & R5W	7,880 Acres
Sawbill Lake	T62N & T63N, R4W	944 Acres
Seagull Lake	T65N & T66N, R4W & R5W	3,958 Acres
South Fowl Lake*	T64N & T65N, R3E	603 Acres
Squint Lake	T64N, R1W	18 Acres
Tait Lake	T62N, R3W	386 Acres
Tom Lake	T63N, R3E	411 Acres
Trout Lake*	T62N, R2E	277 Acres
Tucker Lake*	T64N, R3W	168 Acres
Two Island Lake	T62N, R1W	858 Acres
Wampus Lake*	T64N, R1W	33 Acres
West Bearskin Lake	T64N & T65N, R1W	522 Acres
West Pope Lake	T65N, R2W	110 Acres
West Twin Lake	T63N, R1W	145 Acres
White Pine Lake	T61N, R3W	374 Acres

* Natural Environment Lake

Appendix II A

Cook County Lake Classifications

DNR Lake Id	Lake Name	Description	Size of Lake	Classification
16-204	Aspen	T64N, R1W	144 Acres	RD
16-415	Benning	T64N, R3W	18 Acres	NE
16-247	Birch	T65N, R1 & 2W	266 Acres	RD
16-50	Bogus	T62N,R2E	22 Acres	NE
16-360	Caribou	T60 & 61N, R3W	714 Acres	RD
16-373	Christine	T61N, R3W	192 Acres	SRD
16-365	Clara	T61N, R3W	418 Acres	RD
16-139	Clearwater	T65N, R1E	1,537	RD
-	Cupid	T66N, R4W	-	SRD
16-253	Deer Yard	T61N, R2W	358 Acres	RD
16-143	Devil Track	T62N, R1E	1,873 Acres	RD
16-146	East Bearskin	T64N, R1E	643 Acres	RD
16-342	East Pope	T65N, R2W	44 Acres	SRD
16-96	Elbow	T62N, R1E	415 Acres	SRD
16-147	Flour	T64N, R1E	352 Acres	RD
16-77	Greenwood	T64N, R2E	2,078 Acres	RD
16-632	Gull	T66N, R4 & 5E	174 Acres	RD
16-356	Gunflint	T65N, R2 &3W	2,240 Acres	RD
16-380	Gust	T62N, R3W	159 Acres	RD
16-227	Hungry Jack	T64 & 65N, R1W	486 Acres	RD
16-328	Iron	T64 & 65N, R2W	138 Acres	SRD
16-381	Jock Mock	T62N, R3W	23 Acres	NE
16-188	Kemo	T63N, R1W	193 Acres	SRD
16-198	Leo	T64N, R1W	114 Acres	RD
16-448	Loon	T65N, R3W	1,197 Acres	RD
16-463	Magnetic	T65N, R3 & 4W	199 Acres	RD
16-337	Mayhew	T65N, R2W	247 Acres	RD
16-27	McFarland	T64N, R3E	394 Acres	RD
16-36	North Fowl	T65N, R3E	422 Acres	SRD
16-619	Onagon	T66N, R4W	22 Acres	SRD
16-252	Pike	T61N, R2W	850 Acres	RD
16-194	Pine	T63N, R1W	98 Acres	SRD
16-239	Poplar	T63N, R1W	950 Acres	RD
16-200	Road	T64N, R1W	15 Acres	SRD
16-633	Saganaga	T66 & 67N, R4 & 5W	7,880 Acres	RD
16-496	Sawbill	T62 & 63N, R4W	944 Acres	RD
16-629	Seagull	T65 & 66N, R4 & 5W	3,958 Acres	RD

Cook County Lake Classifications

DNR Lake Id	Lake Name	Description	Size of Lake	Classification
16-202	Squint	T66N, R1W	18 Acres	SRD
16-1	Superior	T49-64N, R1-8E	962,700 Acres	GD
16-384	Tait	T62N, R3W	386 Acres	SRD
16-19	Tom	T63N, R3E	411 Acres	RD
16-156	Two Island	T62N, R1W	858 Acres	RD
16-328	West Bearskin	T64 & 65N, R1W	522 Acres	RD
16-341	West Pope	T65N, R2W	110 Acres	SRD
16-186	West Twin	T63N, R1W	145 Acres	SRD
16-369	White Pine	T61N, R3W	373 Acres	RD

* As listed in the Division of Waters, “DNR Protected Waters Inventory” (PWI).

All other unmentioned lakes in Cook County are designated as Natural Environment Lakes.

Appendix II B

Cook County River Classifications

Class	River	From	To
R	Unnamed Tributary	Outlet of South L. in. Sec. 19, T65N, R1W	Inlet of North Fowl L. in Sec. 27, T65N, R3E
R	Pigeon	Outlet of South Fowl L. In Sec. 12, T64N, R3E	Pigeon Bay on Lake Superior in Sec. 28, T64N, R7E
R	Swamp	Outlet of Tom L. in Sec. 26, T63N, R3E	Confluence with Pigeon R. in Sec. 21, T64N, R4E
R	Flute Reed	Co. Rd. 70 bridge west Section Line, Sec. 13 T62N, R3E	Lake Superior in Sec. 20, T62N, R4E
R	Brule	NFD Rd. bridge, Sec. 23, T64N, R1W	Confluence with Woodpile Creek in Sec. 33, T64N, R1W
R	Brule	Outlet of Northern Light L. In Sec. 33, T63N, R2E	Lake Superior in Sec. 34, T62N, R3E
R	Brule	Confluence of Woodpile Creek In Sec. 33, T64N, R1E	Inlet of Northern Light L. in Sec. 23, T63N, R1E
F	Kadunce	Outlet of Scabbard L. Sec. 9, T62N, R2E	Lake Superior in Sec. 2, T61N, R4E
F	Devil Track	Outlet of Devil Track in Sec. 30, T62N, R1E	Lake Superior in Sec. 13, T61N, R1E
R	Cascade	Outlet of Cascade L. in Sec. 8, T62N, R2W	Lake Superior in Sec. 1, T61N, R2W
R	Deer Yard (Spruce Creek)	Outlet of Deer Yard L. in Sec. 32, T61N, R2W	Lake Superior in Sec. 15, T60N, R2W
R	Poplar	Confluence with Missouri Creek In Sec. 23, T61N, R3W	Lake Superior in Sec. 33, T60N, R3W
R	Missouri Creek	Outlet of Missouri L. in Sec. 13, T61N, R4W	Confluence with Poplar R. in Sec. 23, T61N, R3W
R	Onion	North Section Line, Sec. 25, T60N, R4W	Lake Superior in Sec. 12, T59N, R4W

Appendix II B

Cook County River Classifications

Class	River	From	To
R	Temperance	Confluence with Sawbill Creek In Sec. 28, T62N, R4W	Lake Superior in Sec. 32, T59N, R4W
R	Cross	Outlet of Unnamed basin 38-902P In Sec. 30, T60N, R5W	Lake Superior in Sec. 6, T58N, R4W

Tr – All other non-classified watercourses as shown on county protected waters inventory map and list.

R – Remote River Segment
F – Forested River Segment
TR – Tributary River Segment