

1000 ZONE DISTRICT LAND USE REGULATIONS

The following set of tables establishes the uses in the land use districts in the City. For the purposes of these tables:

- “P” means a use requiring a permit
- “CU” means a use requiring a conditional use permit
- “A” means a use that is allowed with Performance Standards
- “N” means a use that is not permitted
- “GD” means a General Development lake
- “SR” means a shoreland residential district
- “RR-2.5” means a rural residential district with a 2.5 acre lot size
- “RR-10” means a rural residential district with a 10 acre lot size
- “RP” means a resource protection district

1001 SHORELAND USES

SHORELAND USES		
GD	RP	USES
P	N	Single Family Residential
N	N	Manufactured Housing park
N	N	Campground/RV Park
N	N	Planned Unit Development
P	N	Accessory Structures
A	A	Forest Management

1003 RURAL RESIDENTIAL USES

RR-2.5	RR-10	RP	USES
P	P	N	Single Family Residential
A	A	N	Agricultural uses
N	N	N	Manufactured Housing park
N	N	N	Campground/RV Park
N	N	N	Planned Unit Development
P	P	N	Accessory Structures
A	A	A	Forest Management

1100 PERFORMANCE STANDARDS

The purpose of this section is to provide standards for specific permitted or conditional uses. These standards apply to specific uses and are in addition to any other requirement of this Ordinance.

1101 ACCESSORY STRUCTURES - RESIDENTIAL

A residential accessory structure shall comply with the following standards:

- A. The total cumulative area that may be covered with impervious surfaces is 30%.
- B. The maximum sidewall height within the shoreland zone shall be 10 feet. The maximum sidewall height outside of the shoreland zone shall be 14 feet.
- C. A permit shall not be required for up to two accessory structures totaling no more than 150 square feet, however all applicable setbacks shall be met.
- D. No residential accessory building shall be used for human habitation.
- E. All setback and building height requirements shall be met.

1102 AGRICULTURAL USES

- A. Existing agricultural activities are allowed in all districts, but shall not be expanded or intensified in the SR and RR-2.5 residential districts.
- B. An agricultural use shall be considered terminated if no such use has taken place within five (5) years.
- C. The husbandry of wild or exotic animals is prohibited.

1102.1 Agricultural Easements

OMITTED

1102.2 Feedlots

- A. No person shall operate and/or construct an animal feedlot with fifty (50) or more animal units.

1102.3 Animal Density Regulations

The following animal density regulations for animals shall apply in the (SR) Shoreland Residential and (RR) Rural Residential districts:

- A. On riparian parcels in the Shoreland zone, only domestic animals customarily kept as pets are permitted.
- B. On non-riparian parcels in the Shoreland zone of less than 2 acres, only domestic animals customarily kept as pets are permitted.
- C. On non-riparian parcels in the Shoreland zone, or parcels in the non-shoreland zone of at least 2 acres, but less than 3 acres, one (1) animal unit of farm animals are permitted.

- D. On non-riparian parcels in the Shoreland zone, or parcels in the non-shoreland zone of at least 3 acres, one (1) animal unit of farm animals may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 6 animal units.
- E. On parcels in the non-shoreland zone of at least 3 acres, one (1) animal unit of farm animals may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 49 animal units.
- F. The keeping of wild or exotic animals is prohibited.
- G. Manure shall not be allowed to accumulate.

1103 AIRPORTS, HELIPORTS, AND LANDING STRIPS

OMITTED

1104 BED AND BREAKFAST INNS

Bed and Breakfast Inns shall comply with the standards set in the Cass County Land Use Ordinance.

1105 CAMPGROUNDS AND RECREATIONAL VEHICLE (RV) CAMPING AREAS

OMITTED

1106 CONVENIENCE STORE/ SERVICE STATIONS

All convenience stores/service stations shall comply with the Cass County Land Use Ordinance.

1108 DAY CARE FACILITIES – LICENSED NONRESIDENTAL PROGRAMS

OMITTED

1109 EXTRACTIVE USE

OMITTED

1110 HANDICAP ACCESSIBILITY STANDARDS

It is in the City's best long-term interest that commercial structures comply with applicable handicapped access standards per Minnesota Statutes, Chapter 16B and Minnesota Rules, Chapter 1341. Commercial rental properties should also meet these standards and shall file a Handicap Certification with the City on an annual basis as part of the long-term plan of the City.

1111 HOME BUSINESS

OMITTED

1112 HOME OCCUPATION

- A. A home occupation is a permitted use in all districts except SR, where it is prohibited.

- B. There may only be one (1) sign on the parcel advertising the business which shall not be illuminated, and shall not measure greater than fifteen (15) square feet in area.
- C. Not more than 2 persons may be regularly employed for commercial purposes other than members of the family residing on the same premises.
- D. The business enterprise must be conducted within the primary residence or accessory structures.

1113 INDIVIDUAL SEWAGE TREATMENT SYSTEMS

All individual sewage treatment systems must be installed in accordance with the provisions of the Cass County ISTS Ordinance. A certificate of compliance must be obtained and filed with the City every three (3) years.

1114 KENNELS, COMMERCIAL

All commercial kennels shall comply with the Cass County Land Use Ordinance.

1115 MANUFACTURED HOUSING PARKS

OMITTED

1116 MOTOR VEHICLE AND EQUIPMENT REPAIR

OMITTED

1117 NONCONFORMING USES AND LOTS

It is the purpose of this section to provide for the regulation of non-conforming lots, uses, structures and noncomplying individual sewage treatment systems. It is necessary to satisfying the purposes and intent of this Ordinance that non-conforming lots, uses, structures and noncomplying individual sewage treatment systems not be permitted to continue without restriction. Further, it is the intent of this Ordinance that all non-complying individual sewage treatment systems be brought into compliance.

1117.1 Nonconforming Uses

A structure or the use of a structure or premises which was permitted or allowed before the passage or amendment of these standards but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions: All legally established nonconformities as of the date enactment of this Ordinance may continue, but will be managed according to applicable state statutes and other regulations of the City for alterations and additions, discontinuance of use for two years, or intensification of use. No replacement of a nonconforming structure shall be allowed if repair costs exceed 50% of the structure value. Expansions to nonconforming uses may be permitted providing the use of the property is not changed, the use is permitted in that land use district, and sewage treatment and setback requirements of this Ordinance are met.

1117.2 Construction on Nonconforming Lots of Record

- A. Lots of record in the office of the county recorder before 1972, in shoreland areas and 1998 in non-shoreland areas, that do not meet the requirements of Ordinance sections 1401 for the shoreland zone and 2301 for the non-shoreland zone may be allowed as building sites without variances from lot size requirements provided the following provisions are met:
- (1) the lot was created before 1972, and;
 - (2) all setbacks as prescribed in Section 1501 for the shoreland zone and 2301 for the non-shoreland zone of this Ordinance can be met and the lots can be developed without a variance, and;
 - (3) a site for a standard individual sewage treatment system is identified pursuant to Minnesota Rules, Chapter 7080 and the Cass County Individual Sewage Treatment System Ordinance.
- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a non-conforming lot. In evaluating the variance, the board of adjustment shall require shoreline buffers as prescribed in section 2100 of this Ordinance, and an ISTS site evaluation and design prepared by a state-licensed ISTS evaluator/designer. The Board of Adjustment shall deny the variance if adequate ISTS facilities cannot be provided.
- C. If, in a group of two or more contiguous lots, any individual lot does not meet the requirements of sections 1401 for the shoreland zone and 2301 for the non-shoreland zone in this Ordinance, the lots must not be considered as separate parcels of land for the purposes of sale or development.
- D. Those lots of record that do not meet the present lot size requirements because of a lake or river classification change may be allowed as separate lots exempt from this section, provided that they were each created after 1972.

1117.3 Additions or Expansions to Nonconforming Structures

- A. Maintenance** If a non-conforming structure is damaged, by any cause, to an extent where the repair costs exceed 50% of its assessed value immediately prior to damage, the structure may be replaced with a structure of exact dimensions provided a permit is applied for within 180 days of when the property was damaged. Where no land use permit has been applied for within 180 days of when the property was damaged, then the structure or its replacement shall thereafter conform to this Ordinance.
- B. Additions/Expansions** A one-time addition to a non-conforming principal structure shall be permitted subject to the following:
1. Approval shall be granted through the Conditional Use Permit process.
 2. The non-conformity is solely due to setbacks.
 3. The addition is not within the shore impact zone.
 4. The size of the addition shall not exceed 50% of the size of the structure it is being added to.
 5. The total footprint of the structure, once the addition is completed, shall not exceed 2,500 square feet, including decks, porches, patios and other projections.
 6. For reasons of structural integrity, a basement may be allowed under the addition only where a basement exists in the original structure.
 7. A landscaping plan is implemented that provides screening of the addition from adjacent properties, public roads, and the surface water.
 8. A storm water management plan is implemented that directs storm water away from adjacent properties and surface waters.

9. The height of the addition shall not exceed the height of the existing structure.
10. Beyond minor alterations needed to accommodate the addition, no structural modifications shall be made to the original structure.
11. No permits shall be granted under this provision for homes constructed after July 1, 1995 or where a previous variance has been approved.
12. All other provisions of the Ordinance must be complied with.

1118 OUTDOOR RECREATION FACILITIES

Outdoor recreation facilities shall comply with the Cass County Land Use Ordinance.

1119 OUTDOOR STORAGE

Outdoor storage will comply shall comply with the Cass County Land Use Ordinance.

1120 PLANNED UNIT DEVELOPMENT (PUD)

Planned Unit Developments (PUDs) are a prohibited use in the City of Chickamaw Beach.

1121 PUBLIC NUISANCE

1121.1 Purpose and Standards

It shall be a public nuisance for any owner or other person in control of said property or premises to keep or maintain property, premises or rights-of-way in such a manner that any of the following conditions are found to exist:

- A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley or other public property which items are readily accessible from such places, or which are stored on private property in violation of any other law or Ordinance;
- B. Discard garbage, rubbish, refuse, or recyclable items which are determined by the Administrator to constitute a fire hazard or to be detrimental to human life, health or safety;
- C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) and/or their containers which is determined by the Administrator to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
- D. Salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley or other public property;
- E. Any structure which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured;
- F. Any activity which exceeds State regulation relating to air quality standards and air pollution control.

- G. Any activity which causes water, soil, or any objectionable substance is carried on to any adjacent property.
- H. Any activity which emits dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of creator of such disturbance.

1121.2 Abatement of Public Nuisances

- A. The owner, occupant, lessee or tenant of any property within the City shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this section. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorate and become a safety hazard.
- B. When the City determines that the severity of a violation warrants immediate action, they may request Board authorization to clean up or abate the violation. The cost of such cleanup or abatement may be recovered by the City through property tax assessment. Such emergency cleanup or abatement will not relieve the person of further action which may be taken by the City, including but not limited to, liability for any violations of this Ordinance.
- C. The City may choose to abate any public nuisance through any of the abatement methods set forth in this Ordinance, or in other local, state or federal law. Nothing contained in this section shall be construed as limiting, prejudicing or adversely affecting the City's ability to concurrently or consecutively use any of those proceedings as the City may deem are applicable. Proceeding under this Section will not preclude the City from proceeding under other sections of this Ordinance.
- D. Nothing in this section shall be construed as requiring the City to enforce the prohibitions in this section against all or any properties which may violate the Ordinance. In the City's prosecutorial discretion, and as the City's resources permit, this Ordinance may be enforced only as to a limited number of problem properties per year. Nothing in this Section or the absence of any similar provisions shall be construed to impose a duty upon the City to enforce such other provision of law.

1122 RENEWABLE ENERGY SYSTEMS AND FACILITIES

All renewable energy systems and facilities shall comply with the Cass County Land Use Ordinance.

1123 RESIDENTIAL LOTS, SINGLE FAMILY

- A. Unless otherwise designated, all residential lots shall be considered single family residential lots.
- B. No more than one residential structure may be placed on a single family residential lot within the Shoreland Zone. One guest cabin may be allowed if a lot meets or exceeds all duplex lot requirements in sections 1401.1 or 1401.2.
- C. Two residential structures may be placed on a single family residential lot outside the Shoreland Zone if:
 - 1. The structures are positioned such that the lot could be subdivided into two lots meeting all the minimum standards for the zoning district in which they are located, with one structure on each lot.
- D. No travel trailer, pickup camper or coach designed to be mounted on a motor vehicle, motorized dwelling or similar major recreational equipment shall be connected to the sewer or in any way used for housekeeping or living quarters. Such vehicle or equipment when so stored or parked shall be parked in the rear yard no closer than three feet from the rear or side lot lines, except

when parked in an established driveway and in no case shall any point be closer than ten feet to an existing residence of adjoining property.

1124 RESIDENTIAL LOTS, MULTIPLE FAMILY/APARTMENTS

OMITTED

1124.1 Apartments

OMITTED

1124.2 Natural Environment Lakes

OMITTED

1125 SALVAGE YARDS

All salvage yards shall comply with the Cass County Land Use Ordinance.

1126 SEWAGE TREATMENT

The following standards shall apply to the treatment of domestic sewage.

1. All structures shall discharge into a municipal sanitary system if available.
2. All structures shall have an individual or common sewage disposal system meeting the requirements as provided in 4.5(2) MPCA Rules Chapter 7080.
3. All non-conforming systems shall be brought into conformance.
4. Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.

1127 SIGNS

All signs over 15 square feet shall comply with provisions of the Cass County Land Use Ordinance.

1128 TELECOMMUNICATION TOWERS

All telecommunication towers shall comply with the Cass County Land Use Ordinance.

1129 WATER WELLS

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.

1130 WILDLIFE PONDS

A. Wildlife ponds requires a land or shoreland alteration permit which must include the following information:

1. A wildlife management plan developed by a professional or agency wildlife planner

2. A sketch of the proposed pond indicating location, dimensions, and depth
 3. The number of cubic yards to be excavated
 4. Where the excavated material will be placed and how it will be stabilized
- B. Wildlife ponds shall not be used as extractive use areas.