

4.7 OVERLAY DISTRICTS

4.7.1 Conservation Overlay District.

- A. Purpose. The purpose of the conservation overlay is to protect significant natural areas as identified in the natural resources inventory prepared and adopted in the Comprehensive Plan. The City finds protection and conservation of natural areas of significance to be important and as such has designated this overlay as a means to identify and protect those areas.
- B. General Provisions and Definitions.
1. Compliance. The Conservation Overlay shall be defined by the natural resource inventory. This shall be depicted on the Official Zoning Map graphically to geographically identify properties included in said overlay. The following shall apply to properties with land area in the conservation overlay:
 - a. All property which is 50-percent or more included within the overlay shall be required to develop in accordance with the Rural Cluster method of subdivision described in subsequent sections of this chapter.
 - b. All property which has less than 50-percent but more than 5-percent of their land area included within the Conservation Overlay may utilize the Rural Cluster method of subdivision to enhance or preserve key natural resources as defined in the overlay district.
 2. Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with variances, grants, or conditional uses (shall constitute a misdemeanor and shall be punishable as defined by law.
 3. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 4. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected.
 5. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants of deed restrictions, the provisions of these regulations shall prevail. All other sections of the Zoning Ordinance inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.
 6. All proposed development shall follow the Rural Cluster process for subdivision and shall be subject to the regulations and standards identified in section 4.5.1.2.

4.7.1.2 Residential Cluster.

- a. Purpose. The purpose of the Rural Cluster subdivision method is to address the subdivision of properties included within the Conservation Overlay area. This method seeks to maintain the rural character of Chisago City by preserving agricultural land, woodlands, natural corridors and other significant natural features while allowing residential development consistent with the goals and objectives of the City's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

1. Intent. The City of Chisago City's intent is to accomplish the stated purpose of the Conservation Overlay District by utilizing Rural Cluster subdivision to accomplish the goals and policies adopted in the Comprehensive Development Regulations contained herein: and by requiring property within the newly created Conservation Overlay District to be developed in compliance with these regulations and the City's Comprehensive Plan. The RC subdivision methodology should be used for those areas that are geographically included within the Conservation Overlay District. In return for requiring open space as contained herein, it is the intent of the City to allow density bonuses that will provide a development density equal or greater than the underlying zoning.
2. Definitions. Unless specifically defined in the sections, common definitions, words and phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage throughout this code.
3. Use Regulations. Within the RC, the following uses are allowed:
 - a. Permitted Uses.
 - 1) Uses listed in underlying zoning
 - 2) Single-family dwellings
 - 3) Open space
 - 4) Conservation easements
 - 5) Agricultural
 - 6) Public Park / General Government
 - b. Uses allowed by Conditional Use Permit
 - 1) Cooperative gardening
 - 2) Horticultural and Floriculture uses (non-retail)
 - 3) Private stables
 - c. Accessory Uses. Uses that are typically found accessory to a permitted use.
 - d. Prohibited Uses. All others uses are hereby prohibited.
4. RC Development Permit Required. No property within the Conservation Overlay District may be developed unless approval is obtained from the following its approval of the Preliminary Plan, Preliminary Plan and Final Plan described herein. Applications for City Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys and planning data. Only completed applications shall be referred to the Planning Commission for review.
5. Development Standards. RC Developers shall comply with the following minimum standards unless otherwise modified by four affirmative votes of the City Council based on recorded findings that the proposed modification (s) would better enhance the rural character more so than the strict interpretation of the RC regulations of the City and would otherwise be consistent with purpose and intent of the Comprehensive Plan and Residential Cluster District.
 - a. Land Area. Applications for a residential development in the RC District shall meet all the following criteria:
 - 1) The minimum land area for an RC Development Permit is five (5) acres. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an RC Development shall not exceed

the density limitations contained in the Comprehensive Plan for the underlying zoning district, unless said standards below are met and therefore allow a density bonus approved and granted by the City Council.

- 2) The total open space area within the RC Development shall be at least thirty (30) percent of the total buildable land area. The land that is not buildable shall be considered open space but shall not count toward the buildable area. Dwelling units shall be grouped so that at least thirty (30) percent of the buildable land of the proposed development remains open space in a large contiguous pattern. The open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

b. Open Space

- 1) All open space shall be subject to a conservation easement and used for the purposes as defined by this ordinance. The land shall be controlled in one or more following manners as determined in the City's sole discretion:
 - a) Owned by an individual or legal entity who will use the land for open space purposes as provided by permanent conservation restrictions (in accordance with Chapter 84C.01-05 of Minnesota Statutes), to an acceptable Land Trust as approved by the City.
 - b) Deeded to the City of Chisago City for public purposes with permanent conservation restrictions (in accordance with Chapter 84C.0 1-05 of Minnesota Statutes) to an acceptable Land Trust as approved by the City: or
 - c) Deeded to the city for open Space purposes or conveyed by easement to the City.
 - d) Title to areas dedicated for private pathways and steep sloped areas may be held by private property owners(s) with a conservation easement dedicated to the City, but shall not be counted as the required open space.
- 2) Neighborhood recreational facilities shall be provided within each RC Development or as specified in the Chisago City Parks Plan. At least nine (9) percent to twelve (12) percent of the total open space land areas shall be dedicated for neighborhood recreational purposes including tot-lots, playgrounds and pathways as specified in the Park Dedication Policy.
- 3) The open space land shall be maintained for the purposes for which it was set aside. If open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchases and conservation easements to the City describing land management practices to be followed by the party or parties responsible for maintaining the open space.

- c. Lot Design. Lot shall be designed to achieve the following objectives (listed in order of priority)

- 1) For those developments located in the RR-1 and RR-2 area, not served by City services, lots shall be laid out on the most suitable soils for sub-surfaces septic disposal. Community septic systems shall be considered and encouraged for such subdivisions.
 - 2) In areas served by City services, lots shall be laid out to receive services in the most efficient matter and as to maintain the largest portion of contiguous land for open space.
 - 3) Preserve natural lakeshore and woodlands in open fields.
 - 4) Within any woodland contained in the parcel or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features).
 - 5) In locations least likely to block or interrupt scenic vistas, as viewed from Highway 8 and County Roads 22, 23, 24, 36, 77, 84, and 80 and other local roads as designated in the Comprehensive Plan.
 - 6) Away from woodlands in open fields.
- d. Structures. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, and roof pitches. Architectural and performance standards as stated in the individual zoning district shall be applied to all proposed developments in the Conservation Overlay and shall be subject to review by the City Council.
 - e. Buffer Zones. Buffer zones of at least one hundred (100) feet shall be required between residential structures and agricultural uses. The buffer areas shall be thickly planted with fast-growing native grasses, shrubs and trees. Roads may be substituted for the buffer that will create an effective barrier separating yards from fields and pastures.
 - f. Landscaping. Landscaping is required along all streets outside of designated right of way to consist of at least one (1) tree per every thirty (30) feet or placed in clusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least two trees per lot, 2 ½ inch in caliper per building site. The landscaping plan will be given flexibility if the plan incorporates the placement of buildings on the site to minimize and preserve existing landscaping and trees.
 - g. Pathway. A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect to a planned or developed pathway on adjacent parcels or to a local road as defined in Chisago City's Park, Bike Trail, and Sidewalk Plan and Subdivision Ordinance.
 - h. Densities. The Zoning Map identifies zoning for each parcel of land. The Conservation Overlay is applied to the underlying zoning. The base density shall be consistent with the regulations stated in the zoning district of the parcel. To require open space and preserve historic structures, the following density bonuses shall apply, but shall not exceed thirty (30%) percent:
 - 1) One (1) additional unit per 5 gross acres of land, or 10-percent increase,

which ever is greater, for preserving the land in open space with a conservation easement by a qualified land trust.

- 2) One (1) additional unit per 5 gross acres of land or 10-percent increase, which ever is greater, for the development of common gardens and/or village green.
- 3) If a proposed development in the A, RR-1, or RR-2 district utilize a community septic and well, such development shall be granted a 10-percent bonus.
- 4) Developments which preserve additional open space beyond the requirements of this ordinance shall be qualified for a density bonus. The development shall receive a density bonus of half the additional percentage of open space preserved. For example, each development is required to preserve 30-percent of the land in open space. If the development has 50-percent of its land in open space, the developer is qualified for an additional 10 percent density bonus. $(1/2 * (50\%-30\%) = 10\%)$

i. Minimum District Requirements.

Residential Cluster District (RC)

	Single Family	Two Family
Maximum Building Height Primary Structure	2 ½ stories of 35 feet	2 ½ stories or 35 feet
Maximum Building Height Accessory Structures	26	26
Minimum Lot Width ½ acre lot 1 acre lot	N/A	N/A
Maximum Lot Coverage	10 %	N/A
Front Yard	See applicable zoning district regulations.	
Side Yard		
Corner Lot Front		
Corner Lot Side Yard		
Well from Septic System		
Minimum Lot Size		
Minimum Lot Width		
Minimum Lot Depth		
Shoreline Setback		
Communal and Individual Well and Septic System		

j. Utilities.

- 1) RC Development may be platted to accommodate home site lots with either individual septic tanks or drain fields or with individual septic tank, communal drain fields, or city services. Developments not receiving city services shall have the following regulations: Single-family lots under one

- (1) acre shall be constructed with an individual septic tank and a communal drain field. The preferred sewer is municipal and must be determined by the City council to be unfeasible, followed by communal.
- 2) All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its appendices or the MPCA standards in effect at the time of installation and septic system regulations of the Chisago City Municipal Code.
- 3) Communal drain fields may be partially or completely located in an area designated as natural habitat/open space provided:
 - a) The ground cover is restored to its natural condition after installation.
 - b) Recreational uses are prohibited above or within fifty (50) feet of communal drain fields or as approved by the City Council.
 - c) Community systems shall be required to hook up to city systems if within 300 ft. and must be completed within two years.
 - d) Drain fields shall be located in a manner that will allow them to be within three hundred (300) feet of a projected path of future municipal waste water lines.
- k. Streets, Roads, and Right-of-Ways
 - 1) Roads shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.
 - 2) Street widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential streets. Future connections shall be identified and platted as an easement to encourage future connections so as to avoid long cul-de-sacs and potential congestion as development and density increases throughout the City.
 - 3) The use of one-way roads is encouraged where practical to reduce the ratio of pavement to buildings and open spaces.
 - 4) The applicant must demonstrate that access from a primary road to the site is adequate has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.
 - 5) Direct automobile links or pathways should be made to the Central Business District to emphasize the connection between existing and new development.
 - 6) Streets shall be designed according to the following standards:
pavement shall be 14 ft. wide for one-way streets: pavement shall be 28 ft. for two-way streets: and the pavement width shall be 24 ft. for streets where homes are located on one side of the street.
 - 7) The minimum street right-of-way for a one-way street shall be 40 feet and the minimum right-of-way for a two-way street shall be 60 feet.

7. Historic Preservation. Historic Structures on the site shall be identified. If applicable, historic structures shall be restored or rehabilitated according to the Secretary of Interior's Standards for Rehabilitation.
8. Concept Plan
 - a. Required Submittals —Concept Plan. The applicant shall submit an application for a RC permit which shall be consistent with the requirements of this code. The applicant shall review and submit all materials to City Staff for preliminary discussion and review. The applicant shall submit 5 full size plans and 18 11 x 17copies of a Preliminary Plan for a development of a RC in the Conservation Overlay and shall include the following information:
 - 1) An existing conditions plan which identifies the following (Drawn to scale of 1"=100'):
 - a) Primary Conservation Areas.
 - b) Secondary Conservation Areas.
 - 2) A general site plan to include all platted lots, streets, and open space areas, building locations, trails, common open spaces and parks building locations, trails, common open spaces and parks: (Drawn to scale of 1"= 100")
 - 3) The application shall submit a schedule of site characteristics, calculated in acres which shall include the following:
 - a) Include map and calculated acreage of the following:
 - i. Total Site
 - ii. Acres in Conservation overlay; and
 - iii. Protected Wetlands
 - iv. Wetland buffer/setback area
 - v. 12% - 24% sloped area
 - vi. 25% + sloped area
 - vii. Net developable acres are equal to the Total Site (1) minus Protected Wetlands (iii minus areas with slopes exceeding 25% (v).
 - b) Public Improvements. Include map and calculated acreage of the following:
 - i. Public road right of way
 - ii. Drainage way and ponding areas
 - iii. Trails/bikeways and sidewalks (outside of road right of way
 - iv. Utility easements (water and sewer not used for private development purposes)
 - v. Public Parks
 - vi. Public open Space (excluding park)
 - c) Proposed Development. Include map and calculated acreage of the following
 - i. Total residential area
 - ii. Total commercial land area
 - iii. Total private open space (greens. commons. and greenways)
 - d) A General Landscape Plan.

- e) Statement of Intent. If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to the following:
 - i. Ownership, management and maintenance of defined open space both private and public, and private stables.
 - ii. Maintenance of public and private utilities
 - iii. General architectural guidelines for principal
 - iv. Structures, accessory structures and any other structures constructed on open space lots.
 - f) Proposed Staging Plan.
 - g) Historic Preservation Plan. Where applicable, a historic preservation plans for any historic structures on the site.
- b. Planning Commission Review. Upon receipt of a completed Concept Plan to the City Planner, the Planning Commission shall review the RC Development Preliminary Plan application at a public hearing preceded by ten (10) days published notice and two (2) weeks mailed notice to the recorded owners of each parcel located within 350 ft. of the perimeter of the proposed development. The Planning Commission shall make its recommendations to the Applicant who shall respond to all comments prior to submitting a Preliminary Plat. The Concept Plan shall demonstrate consistency with the following:
- 1) The Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
 - 2) The Concept Plan is consistent with the purpose of the Conservation Overlay and the RC methodology.
 - 3) The Concept Plan complies with the development standards.
 - 4) The Concept Plan preserves the required Open space.
- c. Preliminary Plan and Plat. Unless an RC Development Preliminary Plat is submitted within twelve (12) months from the date on which the Planning Commission made its recommendations regarding the Concept Plan, the Applicant shall be required to resubmit a concept plan. The Applicant shall be required to submit the following information for Preliminary Plat Approval.
- 1) RC Development Preliminary Plat.
 - a) Submittals. The RC Development Preliminary Plan shall include the following
 - i. A statement of City action necessary for implementation of the proposed plan.
 - ii. Ten (10) sets of site plans drawn to scale on a reproducible size of 11 x 17. Five (5) full sized sets of not less than one (1) inch equals one hundred (100) feet containing at least the following information:
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Chisago County).
 - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the

- development.
 - c. Location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian trails, and the total site coverage of all circulation elements.
 - d. Location, designation and total area of all open space.
 - e. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sited and recreational facilities.
 - f. Proposed lots and blocks, if any, and numbering system.
 - g. The location, use and size of structures and other land use on adjacent properties.
 - h. Preliminary sketches of proposed landscaping.
 - i. General grading and drainage plans for the developed RC Development.
 - j. Such Development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than two (2) successful test results for each proposed septic disposal area.
 - k. Any other information that may have been required by the City Council in conjunction with the approval of the RC Development Concept Plan.
- iii. An accurate legal description of the entire area within the RC Development for which development plan approval is sought.
 - iv. Architectural and performance standards for the development.
 - v. Preliminary grading and site alteration plan illustration changes to existing topography and natural vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
 - vi. A Preliminary Plat prepared in accordance with Chapter 505 of the statutes of Minnesota and other applicable laws and illustrating stages of development where appropriate.
 - vii. A Soil Erosion Control Plan acceptable to the city, watershed districts, Department of Natural Resources or any other agency with the review authority clearly illustration erosion control measures to be used during construction and as permanent measures.
 - viii. Homeowner's Association Documents including bylaws, deed restrictions, covenants, and proposed conservation easements.
- b) Planning Commission Review. Upon receipt of a complete RC Development Preliminary Plan by the City Planner, and at least fifteen (15) days before the Planning Commission meeting, at which the Preliminary Plan shall be reviewed, the City Planner shall refer the Preliminary Plan to the appropriate City Staff, consultants, and other special review agencies including the Minnesota Department of Natural Resources if the proposed development is within a designated shoreland. The Planning Commission shall review the RC Development. Preliminary Plan and shall schedule public

hearings as required for a Preliminary Plat and rezoning review within thirty (30) days of the City Planner's receipt of a completed application and shall make its recommendations to the City Council regarding the Preliminary Plans Preliminary Plat and rezoning.

- c) City Council Review. Within sixty (60) days of the City Planner's receipt of a completed application the City Council shall review the RC Development Preliminary Plan, and the Preliminary Plat. The RC Development Plan and Preliminary Plat require three (3) affirmative Council votes for approval. Upon approval, the City Council shall instruct the City Attorney to draw up an RC Development Agreement that stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator and applicant within thirty (30) days of Council approval of the RC Development Preliminary Plan.
 - d) Limitation on Preliminary Plan Approval. Unless a Final Plan covering the area designated in the Preliminary Development Plan as the first stage of the RC Development has been filed within six (6) months from the date Council grants approval or in any case where the applicant fails to file Final Plans and to proceed with development according to the provisions of the Ordinance, the Preliminary Development Plan shall expire. The Council may at its discretion extend the filing deadline for any Final Plan when, for good cause shown, such extension reasonable. In case where Preliminary Development Plan approval expires, the Concept Plan approval and Preliminary Development Plan approval for the portion of the RC Development that has not received Final Plan approval is repealed.
9. RC Development Final Plan. The purpose of the Final Plans is to provide a complete, thorough and permanent public record of the RC Development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the RC Development process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the RC Development
- a. Submittals Required. After approval of the Concept Plan and Preliminary Plan for an RC development, the applicant shall submit the following material for review by the City Staff prior to the issuance of any building related permits:
 - 1) A detailed landscaping plan.
 - 2) Proof of recording any easements and restrictive conservation covenants prior to the sale of any land or dwelling unit with the RC Development and of the organization of any legal entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
 - 3) All certificates, seals and signatures required for the dedication of land and recording of documents.
 - 4) General architectural working drawings of all structures along with architectural standards.

- 5) Final engineering plans and specification for streets, utilities and other public improvements, together with all required development agreements for the installation of such improvements and financial guarantees for the completion of such improvements.
 - 6) Any other plans, agreements, or specifications reasonably necessary, for the City Staff to review the proposed construction.
 - 7) Final Plat.
- b. City Council Review. Upon approval of the Preliminary Plat, and within the time established, the applicant shall file with the City Planner a completed Final Plan consisting of the information and submissions required for the entire RC Development or for one or more stages. Within 45 days, the City Planner shall forward the Final Plan to the appropriate City Staff for review and approval. The Final Plan is intended only to add administration detail to and to put in final form, the information contained in the Concept Plan and the Preliminary t Plan and shall conform to the Concept Plan and Preliminary Development Plan. The City shall review and approve the plan within 60 days of receipt of a completed final RC Development Plan.
 - c. Recording of Final Plat. Within ten (10) days of approval by the City Council and notification by the City Administrator, the applicant shall cause the Final Plat, or such portions thereof as are appropriate, to be recorded with the County Recorder or Register of Titles.
 - d. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving written notice from the City Administrator and the City Attorney that the approved final plan has been recorded and all conditions of approval satisfied, the City Building Official may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the approved final plan: provided, however, that no such permit shall be issued except upon proper application and after the requirements of all other applicable codes and ordinances have been satisfied.
 - e. Limitation on Final Plat Approval. Within eighteen (18) months after approval of a final plan for RC Development, or such shorter time as may be established by the approved development schedule, construction shall commence according to such approval plan. Failure to commence construction within such period shall automatically render void the RC Development permit and all approvals for the final RC Development Plan. The City Council may, at its discretion, extend the construction time as necessary when good cause is shown.
 - f. Method of Amending an RC Development Permit. Any desired change involved structural alteration, enlargement, or intensification of the use not specifically allowed by the specific terms of a previously passed RC Development permit, shall require that an application be filed for and amended permit and all procedures shall then apply as if a new permit was applied for.
10. Information Requirements: Additions/Exceptions.
 - a. Records. The City Administrator shall maintain a record of all permits issued including information on the use, locations, conditions imposed, time limits,

review dates, and such other information as may be appropriate. RC Development permits granted shall be clearly noted on the community zoning map and shall be recorded with the Chisago County Recorder or Registrar of Tiles.

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