
Notice of Public Hearing with the intent of adopting proposed amendments for the Cook County Zoning Ordinance #37.

The public hearing is set for 4:00 p.m., Wednesday, May 14, 2025 in the Commissioners' Room of the Cook County Courthouse. The following is the listing of the proposed language amendments in accordance with MN. Statute 375.51, copies of the proposed ordinance amendments are available for review at the Cook County Auditor's Office, the Land Services Department in the Cook County Courthouse in Grand Marais, or on the Cook County website at www.co.cook.mn.us. The deadline for written comments to be submitted for consideration is 4:00 p.m., Wednesday, May 7, 2025, and verbal comments may be presented to the Planning Commission during the public hearing.

PROPOSED AMENDMENTS TO THE COOK COUNTY ZONING ORDINANCE #37:

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. 4.25 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 (including 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).
3. Home business.
4. Guest house.

F. Prohibited Uses:

1. Vacation Rental Home.
2. Bunkhouse.

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 lot coverage 30%
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Notice of Public Hearing with the intent of adopting proposed amendments for the Cook County Subdivision Ordinance #50.

The public hearing is set for 4:00 p.m., Wednesday, May 14, 2025 in the Commissioners' Room of the Cook County Courthouse. The following is the listing of the proposed language amendments in accordance with MN. Statute 375.51, copies of the proposed ordinance amendments are available for review at the Cook County Auditor's Office, the Land Services Department in the Cook County Courthouse in Grand Marais, or on the Cook County website at www.co.cook.mn.us. The deadline for written comments to be submitted for consideration is 4:00 p.m., Wednesday, May 7, 2025, and verbal comments may be presented to the Planning Commission during the public hearing.

PROPOSED AMENDMENTS TO THE COOK COUNTY SUBDIVISION ORDINANCE #50:

Section 4 – Administrative Subdivision

~~4.3 — An Administrative Subdivision may utilize the design standards and requirements for Open Space Subdivisions.~~

Section 5 – Standard Plats

5.4 Preliminary Plat

A. Submission Information shall be provided electronically, with ~~H~~ include five full size copies of the preliminary plat and ~~23~~ 15 copies that are 11-inch by 17-inch in size, containing:

1. Vicinity map showing the location of the subdivision;
2. Boundary survey;
3. Ties to subdivision lines or existing platting;
4. Legal description and
 - a. Name, address and phone number of owner/Subdivider,
 - b. Name, address and phone number of surveyor,
 - c. Proposed name of plat;
5. Scale, date and north orientation;
6. Location of proposed Roads, rights of way, width, curve radii, radius and length of cul-de-sacs, grades where grade exceeds 8%, angle of intersections of all existing and proposed roads;
7. Description of all easements for utilities, Roads, walkways, drainage, or other services within the subdivision or for access to it. Agreements from appropriate agencies for provision of road access, public utilities and fire protection. Description of water source and plan for distribution;
8. Lot and Block layout with consecutive lot numbering, acreage, lot dimensions, and setback lines;
9. Topographic contours at 10-foot intervals showing all ~~lake, water~~ course public waters, bluffs, and steep slopes;
10. Road plans and parking area plans;
11. Areas set aside for other uses including but not limited to outlots, parks, sewage treatment;

12. Stormwater and Erosion and Sediment Control Plan (construction, ~~and~~ operation, and maintenance as a standalone plan set);
13. Wetland delineation to State minimum requirement;
14. Adjacent areas (name if platted)/ Names of adjacent land owners;
- ~~15. Proposed Homeowners Association agreement;~~
- ~~156.~~ House location and/or buildable footprint, buildable lot area, septic system locations; If collector systems will be used, include the ~~design specifications and draw the~~ layout and absorption areas for the entire system on the plat;
- ~~167.~~ Evidence of proposal submission to township if proposed plat is located within a township;
- ~~178.~~ Other documents and information as may be requested by the County for specific use or land condition;
18. Wildfire Resilience Plan submitted on the form provided by Cook County Land Services.
 - a. This plan will identify if the subject property is within an identified Wildland Urban Interface (WUI) Area for hazardous fuels reduction treatment, per the Cook County Community Wildfire Protection Plan (CWPP).
 - b. This plan should demonstrate the subject property will be developed in accordance with goals and priorities outlined in the CWPP and the development of the plat will implement fuels reduction and defensible space.
- ~~9. Fire protection plan, i.e. access for emergency vehicles, vegetation clearing requirements, evacuation plan, roofing materials, etc;~~
- ~~1920.~~ Evidence of application for appropriate permits, state and federal; and
- ~~2021.~~ Summarize general zoning requirements on face of plat.

5.5 Final Plat

A. The following information shall be submitted to the Zoning Administrator ~~in~~ for the processing of a final plat:

1. Five standard size copies of a final plat and 13 copies 11-inch by 17-inch in size, the standards of the survey must meet the acceptable standards of practice of the State of Minnesota;
2. Electronic final plat submission including survey drawing files (CAD .dwg), drawn in a defined coordinate space.
- ~~3.~~ Three copies of a final stormwater management plan that meets County requirements;
- ~~34.~~ An up to date title opinion or title commitment; and
- ~~45.~~ All government corner locations (not previously recorded) shall be monumented, and certificates of government corner locations, together with the resurvey information and section breakdown necessary to determine the boundaries of the proposed plat shall be identified on the plat, and filed with the County Recorder.
6. Proposed Homeowners Association agreement;
7. Sewer systems information in accordance with the following:
 - a. Identification of septic sites consistent with the requirements of Section 3.07C of the Cook County Septic Ordinance; and/or
 - b. A collection system design and management plan reviewed and approved by Cook County Environmental Health. The septic system design and management plan shall clearly identify the following:
 - i. The owner(s) of the shared sewage system;

- ii. [An annual schedule for maintenance, inspection, and monitoring of the shared sewage system;](#)
- iii. [A contingency plan in the event of failure of the shared sewage system;](#)
- iv. [A provision describing how the sewage treatment portion of the system will be protected from vehicles, animals, human, and other sources of risk;](#)
- v. [Assignment of responsibility for the management and payment of the shared system;](#)
- vi. [The name and license number of the system's designer; and](#)
- vii. [A clear description of the sewer design and what collection and treatment technologies will be used to insure system longevity and groundwater protection.](#)

Section 6 – Open Space Subdivision

6.1 Purpose and Intent

The purpose of the Open Space Subdivision is to allow the creation of lots which place structures, such as houses, in closer proximity to each other than would be allowed in a given zoning district, in order to ~~set aside~~ [preserve, protect, and manage](#) open space.

An Open Space Subdivision is permitted when a minimum of 50% of the land area of the subdivision is preserved as open space and a concept plan is submitted to the County, which meets the standards for an open space subdivision. The density of development [may allow greater-than-normal residential density where 50% of the property is still preserved and the development has been rezoned as Residential Open Space Overlay \(ROSO\) District, which does not allow short-term rental.](#) [The density of development for open space subdivisions not within the ROSO District](#) shall remain the same as that allowed by zone district regulations, but greater alternatives for land use design become possible. Road access is simpler; utility and service-access to lots can be less expensive; collector sewer and water systems are possible; wetlands, forested areas, and difficult terrain can more easily be avoided or preserved; and areas most suitable for recreation and scenic views can be preserved.

[In addition, open space preserved through this subdivision type should be intentionally designed and maintained to reduce the risk of wildfire to residential development by incorporating defensible space and strategically placed fuel breaks. Open space design should consider existing wildfire risk, topography, vegetation type, and access for emergency responders to enhance wildfire resilience, consistent with the goals of the Cook County Community Wildfire Protection Plan \(CWPP\).](#)

6.2 Requirements

A. Density of Development:

[1. Non-ROSO District: Except as provided in Section 6.2\(A\)\(2\).](#) Open Space Subdivisions shall require the density of development to be no greater than the prevailing density of the existing zone district. For developments that are located in more than one zone district, the density of development may be transferred between zone districts. However, in no case shall the density of development in shoreland areas exceed the maximum density allowance established by calculating the minimum lot width and area requirements of the Minnesota Department of Natural Resources, Shoreland Regulations

and the Cook County Zoning Ordinance. Flexibility in the location and size of individual lots shall be allowed.

The County may require a lower base density for Open Space Subdivisions when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.

2. ROSO District. Open Space Subdivisions within the ROSO District may create lots in excess of the density maximums of the underlying zone district in accordance with this provision.

a. Standards: The County will allow a higher base density for parcel creation to exceed the underlying zone district standards by 2x (i.e. double the maximum density) under the following conditions:

- i. The property subject to subdivision is within a FAR-2 or FAR-3 zone district and also the Residential Open Space Overlay (ROSO) District and meets all ROSO eligibility requirements in Section 4.25(C) of the Cook County Zoning Ordinance.
- ii. The development restricts uses to those identified as allowed within the ROSO District under Section 4.25(D) and (E) of the Cook County Zoning Ordinance.
- iii. The development prohibits rentals for less than 30 days within the deed restrictions.
- iv. The development allows for duplexes as well as single-family dwellings, provided the duplex has each unit on a separate platted lot.
- v. The development maintains 50% open space.
- vi. The development establishes a homeowners association in the event of shared septic and/or water systems.

b. Density Calculation: The density allowance for residential lots shall be calculated as follows:

$$\frac{\text{Total Parcel Acreage}}{\text{Minimum Lot Area Required in Underlying Zone District}} \times 2 = \text{Density Allowance}$$

In cases where the density allowance calculation results in a decimal, the density allowance will be rounded up to the next whole number. The following density table provides examples of the application of the density allowance calculation for Open Space Subdivisions meeting the standards of Section 6.2(A)(2)(a):

| <u>Zone District</u> | <u>Zone District Minimum Lot Area</u> | <u>Total Parcel Acreage</u> | <u>Standard Residential Lot Density</u> | <u>ROSO Multiplier</u> | <u>New ROSO Allowance for Residential Lot Creation</u> |
|----------------------|---------------------------------------|-----------------------------|---|------------------------|--|
| <u>FAR-2</u> | <u>10</u> | <u>80</u> | <u>8</u> | <u>2x</u> | <u>16</u> |
| <u>FAR-2</u> | <u>10</u> | <u>65</u> | <u>6</u> | <u>2x</u> | <u>13</u> |
| <u>FAR-2</u> | <u>10</u> | <u>58</u> | <u>5</u> | <u>2x</u> | <u>12 (rounded from 11.6)</u> |

| | | | | | |
|--------------|----------|-----------|----------|-----------|-------------------------------|
| <u>FAR-3</u> | <u>5</u> | <u>20</u> | <u>4</u> | <u>2x</u> | <u>8</u> |
| <u>FAR-3</u> | <u>5</u> | <u>30</u> | <u>6</u> | <u>2x</u> | <u>12</u> |
| <u>FAR-3</u> | <u>5</u> | <u>46</u> | <u>9</u> | <u>2x</u> | <u>19 (rounded from 18.4)</u> |

B. Open Space Preservation: Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means as determined by the County, must be provided to assure long term preservation of open space. The instruments must include protections for at least the following:

1. Significant vegetation, natural habitats, wetlands, scenic areas, historic values, topography or other values for which the open space was set aside;
2. Consistency with open space use plans and landscape preservation standards and/or Wildfire Resilience plans; and
3. Open space recreation plans.

C. Subdivision Homeowners Association: Unless an equally effective alternative community framework is established, as determined by the County, all open space subdivisions that include shared well and/or septic components serving multiple lots must be created as a Common Interest Community under state law and must establish a homeowner's association with the following features:

1. Membership must be mandatory for all owners, including successor owners, of lots served by shared well and/or septic components;
2. Each member must pay a proportionate share of the association's expenses, and unpaid assessments can become a lien on the member's property;
3. Assessments must be adjustable to accommodate changing conditions; and
4. The homeowners association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
5. The homeowners association shall be responsible for maintaining capital reserve for repair, maintenance, and future replacement of shared well and/or septic components.

~~Creation of an owners association shall be required for all Open Space Subdivisions. The following shall be required as part of the owners association:~~

- ~~1. Membership shall be mandatory for each lot owner and any successive owner;~~
- ~~2. Each member shall pay a pro-rata share of the associations expenses, and unpaid assessments shall become liens on lots; and~~
- ~~3. The association shall be responsible for insurance and taxes on commonly owned property and facilities.~~

D. Open Space Requirements: Open Space Subdivisions shall contain at least 50% open space, which must exclude Lots upon which dwellings are located, Road rights-of-way, parking areas, developed areas or land cover. Open Space must meet all the following criteria:

1. Open space must include, when present, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

2. Open space may include outdoor recreational facilities for use by all lot owners and residents of the development ~~owners of Dwelling units or sites~~, and by the general public. These may include community gardens and playgrounds;
3. ~~Open~~ Open space may include utilities to serve the platted development, such as solar panels and sewage treatment systems if the use of the treatment space is restricted to avoid adverse impacts on the systems; and
4. In Shoreland areas, the area within 50 feet of the Ordinary High Water Level must be included as open space.

F. Minimum Setbacks: 10 feet for all interior lot lines, except that duplexes with units on separate lots are allowed a 0 foot setback from the common lot line regardless of septic system type; Consistent with zoning classification from all plat exterior boundary lines.

G. ~~Minimum~~ Lot Area:

1. Minimum: ¼ acre ~~One Acre~~

2. Maximum: Two acres

H. Minimum Lot Width: ~~150~~ 75 Feet

I. Maximum Impervious Surface Lot Coverage: ~~130~~ 30%

J. Application Requirements:

~~The applications shall~~ Open Space Subdivision applications shall follow the same procedures as a standard plat under Section 5 of this Ordinance. In addition to the information required for the preliminary and final plats set forth in that Section, such plats shall be accompanied by information to establish compliance with the requirements for Open Space Subdivisions under this Section 6, including information regarding: ~~including the Concept Plan Meeting, and the information requested for the preliminary and final plats, except for Administrative Subdivisions that utilize the standards and requirements for Open Space Subdivisions, which will be processed in the manner described in Section 4 of this Ordinance. In addition the following information will be required:~~

1. Open space location and use;
2. Percentage of open space; and
3. ~~Proposed in~~ Method of open space preservation.
4. If applicable, compliance with the ROSO standards in Section 6.2(A)

Section 7 – Planned Unit Development

7.3 Open Space Preservation

5. Building lots, roads including right-of-ways, individual septic treatment systems, land covered by impervious surfaces or parking areas which are determined by the County to be impervious are prohibited;

7.5 Conditional Use Permit Application The application for a conditional use permit will include the following documents:

6. A description of current land use and structures on land and existing easements ~~all encumbrances, such as easements or covenants~~;
10. Sewage treatment system location and alternate site location, ~~along with plans~~;

~~11. Erosion control plan; A description of any proposed deviation from performance standards or any other official controls (e.g. structure setback allowances on specific units or lots or within the entirety of the plat);~~

12. Information about availability of public utilities;

~~13. Proposed homeowners association agreement including any deed restrictions, covenants, easements, etc;~~

~~13~~4. Water sources and water supply system plans;

~~15. Evidence of application for appropriate permits, state and federal;~~ and

~~14~~6. Those additional documents as required by the county.

7.8 Design Standards

A. Housing lots shall be located to minimize their impact on the natural, scenic, economic and cultural/historical resources of the site, and shall adhere to the following provisions:

1. Lots shall minimize inclusion of wetlands ~~and woodlands;~~

~~2. As many lots as possible shall avoid locating near high traffic roads;~~

~~2~~3. Lots shall take access from interior streets rather than perimeter roads; and

~~3~~4. Lots shall be located adjacent to open space areas and near trail accesses.

B. Open space areas shall be designed to the greatest extent possible to:

1. Protect the site's significant resources;

2. Connect with existing or potential open space areas on adjacent tracts;

3. Connect with existing and future planned public trail and recreation systems; ~~and~~

4. Provide a buffer to minimize incompatible land uses; ~~and~~

~~5. Provide a fuel break and defensible space for wildfire protection.~~

7.9 Water and Sewer Systems

C. Sewer Systems: The septic system design and management plan shall comply with the requirements of Section 5.5(A)(7)(b).

~~Planned Unit Developments shall submit a sewage management plan to Cook County Environmental Health that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:~~

~~1. The owner(s) of the shared sewage system;~~

~~2. An annual schedule for maintenance, inspection and monitoring of the shared sewage system;~~

~~3. A contingency plan in the event of failure of the shared sewage system;~~

~~4. A provision describing how the sewage treatment portion of the system will be protected from vehicles, animals, human and other sources of risk;~~

~~5. Assignment of responsibility for the management and payment of the shared system;~~

~~6. The name and license number of the system's designer; and~~

~~7. Clearly describe the sewer design, and or contingency plan and what collection and treatment technologies will be used to insure system longevity and groundwater protection.~~

Section 8 – General Regulations

8.2 Developer's Agreement

A. Purpose: The Developer and County shall, at the County's discretion, ~~may~~ enter into a developer's agreement acceptable to the County for all subdivisions prior to ~~the granting of~~ final plat approval ~~of the development~~, with the exception of Administrative Subdivisions. The

purpose of a Developer's Agreement is to ensure that all infrastructure, public improvements, and mitigation measures required as part of subdivision approval are constructed in a timely and professional manner and in accordance with County standards and specifications. It also ensures that the financial burden of subdivision improvements is not borne by the public.

B. Applicability

A Developer's Agreement shall be required for:

1. All subdivisions requiring improvements for the benefit of the public and/or multiple lots within the subdivision, including but not limited to:
 - a. Roads or shared driveways;
 - b. Drainage or stormwater facilities;
 - c. Shared wells or water infrastructure;
 - d. Shared septic or wastewater systems;
 - e. Trails, easements, or open space improvements;
 - f. Vegetation or wildfire mitigation measures;
 - g. Erosion control or grading;
2. Any subdivision requiring phased development or deferred improvements;
3. Any plat requiring financial guarantees;
4. Administrative Subdivisions are exempt from this provision, unless public improvements are required as a condition of approval.

C. Contents of a Developer's Agreement

The developer's agreement shall be prepared by the developer and approved by the County Attorney and appropriate County departments, who shall provide direction to the developer as to the necessary contents of the developer's agreement. While such contents will vary based on the specifics of the subdivision application, developer's agreements must address at least the following categories of information:

1. Required Improvements
2. Construction Schedule
3. Financial Guarantees
4. Inspection and Approval by the County
5. Maintenance Obligations
6. Legal and Insurance Requirements
7. Default and Remedies

D. Financial Guarantees

1. Purpose: To ensure that subdivision improvements for the benefit of the public and/or multiple lots within the subdivision, are completed even if the developer defaults or abandons the project.
2. Form of Security: The form of the financial guarantee shall be in a form acceptable to the County Attorney, such as a letter of credit (preferred), cash escrow, or performance bond from a licensed surety.
3. Amount: The amount of the financial guarantee is subject to agreement by the Developer and the County provided that it is not less than 125% of the estimated cost of all subdivision improvements, including the following:
 - a. Materials, labor, and equipment;

b. Contingencies for inflation or unexpected costs;

c. County inspection and administrative costs.

4. Release and Reduction

a. The County and the Developer, as part of the development agreement, may agree to partial release of the financial guarantee upon verified completion of distinct components (e.g., roads, drainage).

b. Final release shall not occur until all improvements are completed, inspected, and accepted by the County, and any maintenance period has lapsed.

E. Recording and Enforcement

1. The developer's agreement shall be signed by all property owners and recorded with the final plat, unless otherwise approved by the County.

2. The developer's agreement shall provide that it is binding on all successors and assigns and that the obligations shall run with the land.