

**WASECA COUNTY PLANNING COMMISSION  
TENTATIVE PUBLIC HEARING SCHEDULE FOR UDC REVIEW**

ARTICLE	SECTIONS	SUBSECTIONS TO BE REVISED	DATE OF PUBLIC HEARING
6 ZONING DISTRICT REGULATIONS	6.17 HC Highway Commercial District Standards	(B); (E)(4)	January 2, 2025
	6.19 I General Industrial District	(B); (E)(4); (E)(5)	
	6.20 UE Urban Expansion District Standards	(B); (C); (G)(1); (G)(3)(b); (G)(4); (G)(5)	
	6.21 VMX Village Mixed Use District Standards	(B); (C); (D)(4); (D)(5)	
	6.22 SO Shoreland Overlay District Standards	(G)(2); (G)(3); (G)(4)	
	6.24 AO Airport Overlay District Standards	(C)	
	6.25 AIC Agricultural Interpretive Center District Standards	(C); (E)(2); (E)(7); (E)(8); (E)(10)	
6.26 Summary of Allowed and Conditional Uses	Add new permitted and conditional uses to the table		
6 ZONING DISTRICT REGULATIONS	6.03 Summary Table of Dimensional Standards	Add setback changes to the table	
8 DEFINITIONS	8.03 Definitions and Acronyms	Add definitions moved from article 4, 5 and 6	

## ARTICLE 6: ZONING DISTRICT REGULATIONS

### Section

[6.17](#) HC Highway Commercial District standards

[6.18](#) HO Highway 14 Overlay District

[6.19](#) I General Industrial District

### **Special Zoning Districts**

[6.20](#) UE Urban Expansion District standards

[6.21](#) VMX Village Mixed Use District standards

[6.22](#) SO Shoreland Overlay District standards

[6.23](#) FO Floodplain Overlay District standards

[6.24](#) AO Airport Overlay District standards

[6.25](#) AIC Agricultural Interpretive Center District standards

[6.26](#) Summary of allowed and conditional uses

[6.27](#) CLR Closed Landfill Restricted District

### **GENERAL PROVISIONS**

#### **§ 6.17 HC HIGHWAY COMMERCIAL DISTRICT STANDARDS.**

(A) *Purpose.* The Highway Commercial District is intended to:

- (1) Maintain and enhance the county's economic base and promote employment;
- (2) Accommodate business uses that meet the needs of the traveling public, including those uses which may be incompatible with the predominantly retail uses allowed within cities' business districts;
- (3) Encourage high quality development that avoids or mitigates impacts to natural systems and less intensive uses; and
- (4) Ensure that the efficiency and safety of arterial roadways are maintained through access control management.

(B) *Permitted uses.*

- (1) Agriculture, and incidental agriculture related uses including farm homesteads and agricultural building(s);
- (2) Agricultural chemicals, fertilizer sales, including the blending of fertilizer;
- (3) Agriculturally-oriented business, including auction houses;
- (4) Feed and seed sales;
- (5) Grain elevator, grain storage and drying (commercial);
- (6) Natural resource manufacturing and processing;
- (7) Seasonal produce stand;
- (8) Accessory dwelling unit, pursuant to standards in § 4.03;

- (9) Daycare center;
- (10) Local governmental agency building or facility, community center, Town Hall and accessory building(s);
- (11) Parks and public recreation areas;
- (12) Go-cart track, miniature golf, skating rink (unenclosed);
- (13) Gun or archery range, indoor;
- (14) Skating rink (enclosed), dance hall, game arcade, bowling alley, health club;
- (15) Riding academy, boarding stable;
- (16) Art, photography, crafts gallery, pottery shop, studios;
- (17) Automobile repair;
- (18) Automobile service station, car wash;
- (19) Automobile, trailer, marine, recreational vehicle and farm implement sales;
- (20) Bakery, coffee shop;
- (21) Barber, beauty shop;
- (22) Bed and breakfast;
- (23) Building material sales and storage, lumber yard, garden store, commercial greenhouse, manufactured home sales;
- (24) Convenience gas and goods sales;
- (25) Convention center, exhibit hall;
- (26) Flea market, auction site;
- (27) Laundry, laundromat;
- (28) Motel, hotel;
- (29) Office, professional or medical;
- (30) Office, other than professional or medical;
- (31) Office services;
- (32) Repair services. Repair service includes, but are not limited to, the repair of: appliances, furniture and upholstery, jewelry, shoes, musical instruments, watches, and other articles generally found for sale in retail sales establishments;
- (33) Restaurant (drive-in), theater (drive-in), or similar uses that provide goods and services to patrons in automobiles;
- (34) Restaurant;
- (35) Retail sales establishment. Retail sales establishments include, but are not limited to, establishments that offer the following goods and/or service: antique and collectibles, bicycle sales and repair, books, clothing, convenience food goods, drugs, groceries, guns and ammunition, hardware, jewelry, music, musical instruments, newspapers and magazines, office furniture and supplies, picture framing, recreation equipment sales and service, stationery, tobacco, tourist related sales and service, video sales and rentals;

- (36) Shopping center;
- (37) Tavern, club;
- (38) Veterinary and animal clinic and facilities for the care and/or breeding of animals including kennel;
- (39) Railroad right-of-way, but not including railroad yard;
- (40) Parking facility;
- (41) Solar ~~equipment~~Energy Systems (accessory);
- (42) Swimming pool, hot tub;
- (43) Water-oriented accessory structures (docks, lifts and the like);
- (45) Agritourism;
- (4647) Agricultural Direct-Market Business; and
- (474449) Other accessory uses and structures that are incidental to the principal use.

(C) *Conditional uses.*

- (1) Single-family detached dwelling (see density and other standards);
- (2) Licensed residential program (up to eight residents);
- (3) Religious institution;
- (4) School, public or private;
- (5) Campground;
- (6) Golf course, country club, driving range;
- (7) Gun or archery range, outdoor;
- (8) Organized motor sports, ATVs, trucks, tractors or motorcycle tracks or trails (not including auto or other vehicle racing, tracks or events);
- (9) Paint ball course;
- (10) Adult uses;
- (11) Water-oriented commercial business;
- (12) Advertising sign (off-site);
- (13) Truck terminal, truck stop, freight terminal;
- (14) Warehouse distribution facility;
- (15) Essential services, facilities and structures;
- (16) Outdoor display;
- (17) Wind turbine, accessory;
- (18) Industrial wastewater treatment facility; and
- (19) Solar farms.

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(D) *Outdoor display standards.* The following standards shall apply to nonresidential development within the Highway Commercial District: Display of materials shall be located outside the public right-of-way and shall be maintained in an orderly condition.

(E) *Dimensional standards.* Development within the Highway Commercial District shall be subject to the following minimum dimensional standards:

(1) Lot area:

(a) Principal permitted and conditional uses: as necessary to meet all setbacks and coverage regulations, or as specified by conditional use permit; and

(b) No minimum lot area required for utilities, public uses and communication towers except as otherwise required.

(2) Minimum lot width: 100 feet;

(3) Minimum setbacks from property or road right-of-way lines, principal structures:

(a) Front yard: 50 feet;

(b) Side yard: 15 feet, or 50 feet from any lot in a residential or agricultural district; and

(c) Rear yard: 15 feet or 50 feet from any lot in a residential or agricultural district.

(4) Minimum setbacks from property or road right-of-way lines, accessory structures:

(a) Front yard: same as principal structure;

(b) Side yard: 20 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in sidewall height); and

(c) Rear yard: 20 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in sidewall height).

(5) Minimum setbacks, windbreaks and trees:

(a) Road right-of-way of less than 100 feet: 20 feet from right-of-way;

(b) Road right-of-way of 100 feet or greater: 15 feet from right-of-way;

(c) From side or rear parcel boundary: 10 feet for windbreaks consisting of shrubs and 20 feet for trees, as defined; and

(d) Side or rear windbreak and tree setbacks may be reduced or eliminated by agreement of adjoining property owners when the agreement is filed with the Zoning Administrator.

(6) Maximum impervious coverage: 65% of lot area; and

(7) Maximum height for all structures except agricultural structures, utilities and communication or wind towers: 35 feet.

(F) *Access management standards.* Access points shall be sited and designed according to the access management standards in Article 4 of this ordinance. A maximum of two access points shall be allowed to any county road unless the County Engineer finds that additional access points are warranted. Access to state highways requires MndOT permit.

(G) *Additional requirements.* Additional requirements within this ordinance and other county ordinances apply to development in the HC District. These include, but are not limited to, the general regulations in Articles 4 and 5 and the conditional use and specific development standards in Article 3.

(Ord. 97, passed 7-21-2009; Ord. 113, passed 4-15-2014; Ord. 117, passed 6-17-2014)

**§ 6.18 HO HIGHWAY 14 OVERLAY DISTRICT.**

(A) *Purpose.* The purpose of the Highway 14 District is to preserve the scenic and functional value of the U.S. Highway 14 corridor throughout the county. Objectives of the district are:

(1) To promote commercial and industrial development that is accessible to and visible from Highway 14 and that will present an attractive image while managing access to ensure safe and efficient travel; and

(2) To create consistent and cohesive sign regulations for identification and advertisement of businesses

(B) *District application.* The Highway Overlay district is established over an area 500 feet on either side of the Highway 14 right-of-way or easement line throughout the county.

(C) *Permitted, conditional and accessory uses.* Permitted, conditional and accessory uses of land are those that are allowed within the underlying districts.

(D) *Access management.* Highway 14 has been designed with limited access points in order to promote the safe and efficient use of the highway. Access to Highway 14 shall be restricted and may be prohibited consistent with the policies and requirements of the State Department of Transportation. In approving subdivisions of land, development site plans and building permits, the county may require any or all of the following access management techniques.

(1) *Shared access.* Existing parcels and parcels resulting from future subdivision may be required to share common access points, consistent with spacing guidelines.

(2) *Access limitations.* Parcels which abut Highway 14 and have access to intersecting streets or highways shall be required to take access from those intersecting roads.

(3) *Traffic impact studies.* Development proposals which could result in traffic trip generation in excess of 100 trips per day, as determined by the *Institute of Traffic Engineers Trip Generation Manual* (latest edition), may be required to complete a traffic impact study.

(E) *Design and setback standards.* The following design standards shall apply in addition to the requirements of the underlying districts.

(1) *Setbacks.* The minimum setbacks for buildings, parking areas or other structures from the right-of-way of Highway 14 shall be 25 feet.

(2) *Site lighting.* All lighting shall be directed away from residential uses and glare impacting the traveling public.

(Ord. 97, passed 7-21-2009; Ord. 105, passed 8-2-2011)

**§ 6.19 I GENERAL INDUSTRIAL DISTRICT.**

(A) *Purpose.* The purpose of the General Industrial District is to:

(1) Maintain and enhance the county's economic base and promote employment;

(2) Provide a district suitable for commercial, general industrial, manufacturing and processing uses which, due to their size, location and character, require large sites and separation from residential and similar uses;

(3) Encourage high quality development that avoids or mitigates impacts to natural systems and less intensive uses; and

(4) Ensure that the efficiency and safety of arterial roadways are maintained through access control management.

(B) *Permitted uses.*

(1) Agriculture, and incidental agriculture related uses, including agricultural building(s) and farm homesteads;

(2) Agricultural chemicals, fertilizer sales;

(3) Agriculturally-oriented business;

(4) Auction houses;

(5) Ethanol or biofuel production, commercial;

(6) Feed and seed sales;

(7) Grain elevator, grain storage and drying (commercial);

(8) Natural resource manufacturing and processing;

(9) Seasonal produce stand;

(10) Highway maintenance shops and yards;

(11) Local governmental agency building or facility, community center, Town Hall and associated accessory building(s);

(12) Parks and public recreation areas;

(13) School, trade;

(14) Adult uses;

(15) Airport, heliport, aircraft rental, sale, servicing, manufacturing and related services;

(16) Automobile, trailer, marine, recreational vehicle and farm implement sales;

(17) Building material sales and storage, lumberyard, garden store, commercial greenhouse, manufactured home sales;

(18) Office services;

(19) Repair services. Repair service include, but are not limited to, the repair of: appliances, furniture and upholstery, jewelry, shoes, musical instruments, watches and other articles generally found for sale in retail sales establishments;

(20) Cold storage plant, ice plant;

(21) Contractor's yard with outdoor storage;

(22) Industrial sales establishment includes: dental instruments and supplies, medical and surgical instruments and supplies, precision instrument sales, sign contractor, welding supply, and new and used equipment (except unlicensed motor vehicles); sales and inventory;

(23) Manufacturing, limited, including light assembly and packing. Limited manufacturing includes: Manufacture and assembly of cabinets and woodworking products; camera and photographic products; clothing; computers and accessories; confectionary and related products; footwear; film and video equipment; hand and edge tools; handbags and luggage; laboratory instruments and associated equipment; medical equipment; sports equipment; temperature controls; telecommunications equipment; bottling or distillation, printing, publishing, engraving and reproduction, newspaper plant and office, design and manufacture of patterns;

(24) Manufacturing, general. Includes the manufacturing and/or assembly of these products or conducting these processes: electric lighting and wiring equipment; electrical products and appliances; fabricated metal, plastic and rubber products (except tires and inner tubes); glass and glass products; textiles and fabrics; optical instruments and lenses; gypsum, drywall, plaster and stone products; machinery and equipment such as engines and turbines, cooling and refrigeration equipment, and machine tools; metal working such as stamping, welding, extruding, engraving, plating, grinding, polishing, cleaning and heat-treating;

(25) Truck terminal, truck stop, freight terminal;

(26) Warehouse distribution facility;

(27) Railroad right-of-way, but not including railroad yard;

(28) Kennels, ~~private~~commercial;

(29) Outdoor display;

(30) Parking facility;

(31) Solar ~~equipment~~Energy Systems (accessory);

(32) Auction site;

(33) Agritourism;

(34) Agricultural Direct-Market;

(35) Other accessory uses and structures that are incidental to the principal use;

(36) Permitted uses in the HC Highway Commercial District; and

(37) Food processing plant when connected to municipal water, municipal sewer, and/or an industrial waste treatment facility.

(C) *Conditional uses (see Article 4 for accessory uses).*

(1) Mineral extraction, mining;

(2) Organized motor sports: ATVs, trucks, tractors or motorcycle tracks or trails (not including auto or other vehicle racing, tracks or events);

(3) Automobile repair;

(4) Automobile service station, car wash;

(5) Convenience gas and goods sales;

(6) Restaurant (drive-in), theater (drive-in) or similar uses that provide goods and services to patrons in automobiles;

(7) Veterinary and animal clinic and facilities for the care and/or breeding of animals, including kennels;

(8) Advertising sign (off-site);

(9) Fertilizer manufacture;

(10) Storage, bulk;

(11) Landfill (sanitary), recycling facility;

(12) Salvage yard, recycling facility with incinerator, other facilities with incinerators;

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- (13) Antenna for radio, television and communication facilities;
- (14) Essential services, facilities and structures;
- (15) Wind turbine, accessory;
- (16) Industrial wastewater treatment facility;
- (17) Solar farms; and
- (18) Conditional uses in the HC Highway Commercial District.

(D) *Outdoor display standards.* Display of materials shall be located outside the public right-of-way, and shall be maintained in an orderly condition.

(E) *Dimensional standards.* Development within the General Industrial District shall be subject to the following minimum dimensional standards:

(1) Lot area:

(a) Principal permitted and conditional uses: as necessary to meet all setbacks and coverage regulations, or as specified by conditional use permit; and

(b) No minimum lot area required for utilities, public uses and communication towers except as otherwise required.

(2) Minimum lot width: 100 feet;

(3) Minimum setbacks from property or road right-of-way lines, principal structures:

(a) Front yard: 50 feet;

(b) Side yard: 15 feet, or 50 feet from any lot in a residential or agricultural district; and

(c) Rear yard: 15 feet or 50 feet from any lot in a residential or agricultural district.

(4) Minimum setbacks from property or road right-of-way lines, accessory structures:

(a) Front yard: same as principal structure;

(b) Side yard: ~~ten~~ 10 feet; and

(c) Rear yard: ~~ten~~ 10 feet.

(5) Minimum setbacks, windbreaks and trees:

(a) Road right-of-way of less than 100 feet: 20 feet from right-of-way;

(b) Road right-of-way of 100 feet or greater: 15 feet from right-of-way;

(c) From side or rear parcel boundary: ~~ten~~ 10 feet for windbreaks consisting of shrubs and 20 feet for trees, as defined;

(d) Side or rear windbreak and tree setbacks may be reduced or eliminated by agreement of adjoining property owners when the agreement is filed with the Zoning Administrator and recorded by the County Recorder of Deeds.

(6) Maximum height for all structures except agricultural structures, utilities and communication or wind towers: 70 feet; and

(7) Maximum impervious coverage: 75% of lot area.

(F) *Additional requirements.* Additional requirements within this ordinance and other County ordinances apply to development in the I District. These include, but are not limited to, the general regulations in Article 4 and the conditional use and specific development standards in Article 3.

(Ord. 97, passed 7-21-2009; Ord. 113, passed 4-15-2014; Ord. 115, passed 6-17-2014; Ord. --, passed --; Ord. 142, passed 7-21-2020)

***SPECIAL ZONING DISTRICTS***

**§ 6.20 UE URBAN EXPANSION DISTRICT STANDARDS.**

(A) *Purpose.* The purpose of the Urban Expansion District is to implement the following objectives, based on the goals and policies of the County Comprehensive Plan:

- (1) Promote housing development in cities who can provide public services rather than in agricultural districts;
- (2) Provide a zoning district that will defer residential development in areas where city expansion is expected until such land is incorporated into municipal corporate limits;
- (3) Avoid premature subdivision of parcels in a low density residential pattern that would make future provision of public services inefficient;
- (4) Encourage intergovernmental and area-wide planning to provide for recreational amenities, street linkages, and inter-parcel stormwater management for development at the edge of municipalities and a harmonious transition between rural and urban land uses and development; and
- (5) Restrict land uses that have the potential to interfere with orderly urban expansion and subdivisions at urban densities.

(B) *Permitted uses.*

- (1) Agriculture and incidental agriculture related uses, including agricultural building(s);
- (2) Forestry, production of woodland products, nurseries, tree farms;
- (3) Seasonal produce stand;
- (4) Wildlife area, fish hatchery and forest preserve owned or operated by governmental agencies;
- (5) Single-family detached dwelling;
- (6) Home occupation, pursuant to §6.11(B);
- (7) Licensed residential program (up to eight residents);
- (8) Daycare center;
- (9) Local governmental agency building or facility, community center, Town Hall and associated accessory building(s);
- (10) Parks and public recreation areas;
- (11) Religious institution;
- (12) School, public or private;

- (13) Flea market, auction site;
- (14) Railroad right-of-way, but not including railroad yard;
- (15) Family daycare;
- (16) Group family daycare;
- (17) Solar equipment;
- (18) Swimming pool, hot tub;
- (19) Water-oriented accessory structures (docks, lifts and the like);
- (20) Wind turbine, accessory; ~~and~~
- (21) ~~Sober House; and~~
- (22) Other accessory uses and structures that are incidental to the principal use.

(C) *Conditional uses (see Article 4 for accessory uses).*

- (1) Feedlots;
- (2) Two-family dwelling;
- (3) Accessory dwelling unit, pursuant to § 4.03;
- (4) Boarding house;
- (5) Home occupation, pursuant to § 6.11(C);
- (6) Manufactured home park;
- (7) Temporary worker housing;
- (8) Cemetery, memorial garden;
- (9) Highway maintenance shops and yards;
- (10) Campground;
- (11) Golf course, country club, driving range;
- (12) Gun or archery range, indoor;
- (13) Skating rink (enclosed), dance hall, game arcade, bowling alley, health club;
- (14) Organized motor sports: ATVs; trucks; tractors; or motorcycle tracks or trails (not including auto or other vehicle racing, tracks or events);
- (15) Paint ball course;
- (16) Riding academy, boarding stable;
- (17) Building material sales and storage, lumber yard, garden store, commercial; greenhouse, manufactured home sales;
- (18) Office, professional or medical;
- (19) Office, other than professional or medical;

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(20) Office services;

(21) Repair services. Repair services include, but are not limited to, the repair of: appliances, furniture and upholstery, jewelry, shoes, musical instruments, watches, and other articles generally found for sale in retail sales establishments;

(22) Restaurant (drive-in), theater (drive-in) or similar uses that provide goods and services to patrons in automobiles;

(23) Restaurant;

(24) Retail sales establishment. Retail sales establishments include, but are not limited to, establishments that offer the following goods and/or service: antique and collectibles, bicycle sales and repair, books, clothing, convenience food goods, drugs, groceries, guns and ammunition, hardware, jewelry, music, musical instruments, newspapers and magazines, office furniture and supplies, picture framing, recreation equipment sales and service, stationery, tobacco, tourist related sales and service, video sales and rentals;

(25) Veterinary and animal clinic and facilities for the care and/or breeding of animals including kennels;

(26) Essential services, facilities, and structures; and

(27) Outdoor display.

(D) *Density standards.* The base density permitted in the UE District is one dwelling unit per quarter-quarter section or parcel of record. Dwellings existing at the time of the adoption of this ordinance will be included when determining whether or not a quarter-quarter section is at its maximum density. A dwelling that is part of a farmstead shall be counted as a dwelling unit.

(E) *Conditional use standards for nonresidential uses.* Nonresidential business, institutional or recreational uses, as categorized in Table 6.10, shall meet the following additional requirements in addition to the conditional use standards for those uses outlined in [Article 6](#) and for conditional uses generally in [Article 3](#).

(1) The location of the proposed development must be consistent with planned growth areas in the adjacent city's Comprehensive Plan.

(2) The proposed development will not preclude orderly expansion of existing residential neighborhoods.

(3) The development must be served by a road adequate to serve the traffic generated by the development.

(F) *Applicability of city zoning standards.* If a joint planning board of city, township and county representatives has been established for the Urban Expansion District, the County Board may choose to apply the appropriate zoning standards of the adjacent city, including dimensional standards and other land use and environmental regulations.

(G) *Dimensional standards.* Development within the Urban Expansion District shall be subject to the following minimum dimensional standards:

(1) Lot area:

(a) Single-family dwelling, standard lots: one acre minimum ~~of buildable top ground land; provided that the remainder of the parent parcel is restricted from further development until the~~

~~parcel is annexed by the adjacent city or the zoning is otherwise changed to allow additional development;~~

(b) Other principal permitted and conditional uses: two and one-half acre minimum or as specified by conditional use permit; and

(c) No minimum lot area required for utilities, public uses and communication towers except as otherwise required.

(2) Minimum lot width: 100 feet;

(3) Minimum setbacks from property or road right-of-way lines, principal structures:

(a) Front yard: 50 feet;

(b) Side yard: ~~ten-20~~ feet; and

(c) Rear yard: 30 feet.

(4) Minimum setbacks from property or road right-of-way lines, accessory structures:

(a) Front yard same as principal structure;

(b) Side yard: ~~ten-20~~ feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in height); and

(c) Rear yard: ~~ten-20~~ feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in height).

(5) Minimum setbacks, windbreaks and trees:

(a) Road right-of-way of less than 100 feet: 20 feet from right-of-way;

(b) Road right-of-way of 100 feet or greater: 15 feet from right-of-way;

(c) From side or rear parcel boundary: ~~ten-10~~ feet for windbreaks consisting of shrubs and 20 feet for trees, as defined; and

(d) Side or rear windbreak and tree setbacks may be reduced or eliminated by agreement of adjoining property owners when the agreement is filed with the Zoning Administrator and recorded by the County Recorder of Deeds.

(6) Maximum impervious coverage: 25%; and

(7) Maximum height for all structures except agricultural structures, utilities and communication or wind towers: 35 feet.

(H) *Accommodating future public water supply and sewerage facilities.* Where determined appropriate by the Planning Commission, subdivisions shall be designed so as allow for the future installation of public water supply and sewerage facilities in the most efficient and economical manner. Utility easements shall be reserved in all locations necessary for the future installations of public water facilities.

(I) *Additional requirements.* Additional requirements within this ordinance and other county ordinances apply to development in the Urban Expansion District. These include, but are not limited to, the general regulations in [Article 4](#) and the conditional use and specific development standards in [Articles 3](#) and [6](#).

(Ord. 97, passed 7-21-2009)

**§ 6.21 VMX VILLAGE MIXED USE DISTRICT STANDARDS.**

(A) *Purpose.* The purpose of the Village Mixed Use District is to recognize the existence of small rural unincorporated villages that were developed prior to contemporary land use and environmental regulations and that include a mixture of land uses. Development in many of these villages is constrained by small lot sizes that are inadequate to support on-site wastewater treatment. The district is intended to implement the following objectives:

- (1) Encourage development that will increase the housing diversity and economic viability of the unincorporated rural villages through construction of a greater variety of housing types, compatible new uses or intensification of existing land uses;
- (2) Maintain and enhance the existing character of the villages, while encouraging rehabilitation or reuse of existing buildings;
- (3) Encourage the development of community sewer systems that can improve wastewater treatment for existing development as well as new development;
- (4) Prevent or mitigate conflicts between agricultural and non-agricultural land uses; and
- (5) Allow flexibility in dimensional standards without compromising public health and safety.

(B) *Permitted uses.* (Commercial and office uses in the Village Mixed Use District listed below as “permitted” shall not exceed 5,000 square feet of gross floor area on the ground floor, except by conditional use permit; the maximum size of conditional commercial or other nonresidential uses shall be as specified in the conditional use permit.)

- (1) Agriculturally-oriented business;
- (2) Seasonal produce stand;
- (3) Single-family detached dwelling;
- (4) Accessory dwelling unit, pursuant to § 4.03;
- (5) Home occupation, pursuant to § 6.11(B);
- (6) Licensed residential program (up to eight residents);
- (7) Daycare center;
- (8) Local governmental agency building or facility, community center, Towns Hall and associated accessory building(s);
- (9) Parks and public recreation areas;
- (10) Religious institution;
- (11) School, public or private;
- (12) Art, photography, crafts gallery, pottery shop, studios;
- (13) Bakery, coffee shop;
- (14) Barber, beauty shop;

- (15) Bed and breakfast;
- (16) Convenience gas and goods sales;
- (17) Retail sales establishment;
- (18) Railroad right-of-way, but not including railroad yard;
- (19) Family daycare;
- (20) Group family daycare;
- (21) Parking facility;
- (22) Solar ~~equipment~~Energy Systems, pursuant to § 6.16(PP);
- (23) Swimming pool, hot tub;
- (24) Water-oriented accessory structures (docks, lifts and the like);
- (25) Wind turbine, accessory; and
- (26) Sober House; and
- (27) Other accessory uses and structures that are incidental to the principal use.

(C) *Conditional uses.*

- (1) Feedlots;
- (2) Agricultural chemicals, fertilizer sales;
- (3) Grain elevator, grain storage and drying (commercial);
- (4) Livestock sales barn and accessory facilities;
- (5) Two-family dwelling;
- (6) Boarding house;
- (7) Home occupation, pursuant to §6.11(C);
- (8) Manufactured home park;
- (9) Multi-family dwelling;
- (10) Cemetery, memorial garden;
- (11) Campground;
- (12) Skating rink (enclosed), dance hall, game arcade, bowling alley, health club;
- (13) Automobile repair;
- (14) Automobile service station, car wash;
- (15) Office, professional or medical;
- (16) Office, rather than professional or medical;

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(17) Repair services. Repair service include, but are not limited to, the repair of: appliances; furniture and upholstery; jewelry; shoes; musical instruments; watches and other articles generally found for sale in retail sales establishments;

(18) Restaurant;

(19) Tavern, club;

(20) Veterinary and animal clinic and facilities for the care and/or breeding of animals including kennels;

(21) Essential services, facilities and structures;

(22) Kennels, private; ~~and~~

(23) Landscape Material Retail Business; and

~~(2324)~~ Outdoor display.

(D) *Dimensional standards.* Development within the Village Mixed Use District shall be subject to the following minimum dimensional standards:

(1) Lot area:

(a) Single-family dwelling: 30,000 square feet or additional area as necessary to provide adequate on-site wastewater treatment, as regulated by the County SSTS standards. A community sewer system or an off-site drainfield located on an adjacent property may be used to meet wastewater treatment standards with the approval of the County Public Health Services Department and Zoning Administrator;

(b) Other principal permitted and conditional uses: one acre minimum or as specified by conditional use permit; and

(c) No minimum lot area required for utilities, public uses and communication towers except as otherwise required.

(2) Minimum lot width: 75 feet;

(3) Minimum setbacks from property or road right-of-way lines, principal structures:

(a) Front yard: 35 feet, or within the range of the existing setbacks on the block;

(b) Side yard: 20 feet; and

(c) Rear yard: 30 feet.

(4) Minimum setbacks from property or road right-of-way lines, accessory structures:

(a) Front yard same as principal structure;

(b) Side yard: 20 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in sidewall height); and

(c) Rear yard: 20 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in sidewall height).

(5) Minimum setbacks, windbreaks and trees:

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- (a) Road right-of-way of less than 100 feet: 20 feet from right-of-way;
- (b) Road right-of-way of 100 feet or greater: 15 feet from right-of-way;
- (c) From side or rear parcel boundary: ~~ten~~ 10 feet for windbreaks consisting of shrubs and 20 feet for trees, as defined; and
- (d) Side or rear windbreak and tree setbacks may be reduced or eliminated by agreement of adjoining property owners when the agreement is filed with the Zoning Administrator and recorded by the County Recorder of Deeds.
- (6) Maximum impervious coverage: 50% of lot area; and
- (7) Maximum height for all structures except agricultural structures, utilities and communication or wind towers: 35 feet.

(E) *Additional requirements.* Additional requirements within this ordinance and other county ordinances apply to development in the VMX District. These include, but are not limited to, the general regulations in Article 4 and the conditional use standards in Article 3 and 6.

(F) *VMX extension.* Any request for a zoning change to rezone land to the VMX District must meet the following criteria as a condition of approval.

- (1) The property proposed for rezoning must be adjacent to the boundary of the VMX District.
- (2) Centralized wastewater collection and treatment facilities ~~shall~~ *may* be provided to serve the rezoned area and, to the extent feasible, to provide service to existing developed areas.
- (3) Connections between proposed streets and existing streets may be required to facilitate pedestrian circulation and to integrate new development into the existing village.

(Ord. 97, passed 7-21-2009)

**§ 6.22 SO SHORELAND OVERLAY DISTRICT STANDARDS.**

(A) *Purpose.* The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in compliance with the terms of this ordinance and other applicable regulations.

(B) *District boundaries.* The Shoreland Overlay District shall apply to all land designated as Shoreland Area within the jurisdiction of the county. The boundaries of the district are defined as follows.

- (1) Lands 1,000 feet landward from the ordinary high water level of all protected water basins as identified on the protected waters and wetlands map and listed in Article 5 of this ordinance.
- (2) Lands 300 feet from the ordinary high water level, or within the landward extent of the designated 100-year floodplain, whichever is greater, of all protected watercourses as listed in Article 5 of this ordinance.

(C) *Overlay District application.* The Shoreland Overlay District shall be an overlay district that shall be superimposed on all zoning districts. The standards contained in the Shoreland Overlay District shall be in addition to the requirements of the primary zoning district and any other

requirements set forth in this ordinance. If standards are conflicting, the more restrictive standards shall apply, with the exception that the conservation subdivision design standards of this ordinance shall take precedence over other lot area and dimensional requirements.

(D) *Permitted and conditional uses.* Except for the following, the only permitted or conditional uses allowed in the Shoreland Overlay District shall be those uses allowed as permitted or conditional in the primary zoning district. Conditional use standards in Articles 3 and 6 shall apply in addition to any other conditions that apply to the conditional use.

(1) Commercial recreational uses, commercial sales and service uses, and industrial and related uses shall only be allowed as conditional uses.

(2) New animal feedlots are prohibited within the Shoreland Overlay District. Existing feedlots shall be considered as permitted uses; however, any addition or expansion shall only be allowed as a conditional use.

(3) New extractive uses are prohibited within the Shoreland Overlay District.

(E) *Accessory uses and structures.* Accessory uses and structures in the Shoreland Overlay District shall be the same as those accessory uses and structure allowed in the primary zoning district.

(F) *Dimensional standards.*

(1) *Dimensional standards for unsewered lakes.* Dimensional standards are as specified in the table below, or as specified by the underlying zoning; the most restrictive standard shall apply. Only land located above the ordinary high water level may be used to meet minimum lot area requirements. These dimensional standards apply to single-family dwellings.

<i>Lake Class</i>	<i>Natural Environment</i>	<i>Recreational Develop.</i>	<i>General Develop.</i>
Minimum lot area (square feet)			
Riparian	2 acres	1 acre	1 acre
Non-riparian	2 acres	1 acre	1 acre
Minimum lot width			
Riparian	200 ft.	150 ft.	100 ft.
Non-riparian	200 ft.	150 ft.	150 ft.

(2) *Lot area and width standards for rivers and streams.* Lot widths are as specified below, or as specified by the underlying zoning; the most restrictive standard shall apply. Only land located above the ordinary high water level may be used to meet minimum lot area requirements. These dimensional standards apply to single-family dwellings.

<i>Stream Class</i>	<i>Agricultural</i>	<i>Tributary</i>
Minimum lot area (square feet)	See underlying zoning	
Minimum lot width	150 feet	100 feet

(3) *Lot area and lot width for duplexes.* The minimum lot area and lot width for duplexes, where allowed by the primary zoning, shall be 50% larger than the single-family lot area and lot width specified in this section or by the primary zoning district. (For example, a minimum lot area of one and one-half acres and a minimum lot width of 225 feet would be required for a riparian lot on a recreational development lake.)

(G) *Standards for placement, design and height of structures (amended 9-15-2009).*

(1) Placement of structures is regulated by the setback distance from the ordinary high water level (OHWL) or the delineated boundary of wetlands that intersect the shore impact zone (wetland boundary).

(2) *Standards for lakes.*

<b>Lake Class</b>	<b>Natural Environment</b>	<b>Recreational Develop.</b>	<b>General Develop.</b>
Minimum setbacks from ordinary high water level			
All structures, except water-oriented accessory structures	200 ft.*	100 ft.*	75 ft.*
1 permitted water-oriented accessory	20 feet	20 feet	20 feet
Sewage treatment system	150 feet	75 feet	75 feet
Additional structure setbacks			
From top of bluff	30 feet	30 feet	30 feet
From unplatted cemetery	50 feet	50 feet	50 feet
From road right-of-way edge	50 feet	50 feet	50 feet
<del>From road right-of-way edge of a private road</del>	<del>25 feet</del>	<del>25 feet</del>	<del>25 feet</del>
Maximum impervious surface coverage	25% of lot area	25% of lot area	25% of lot area
Maximum height of principal and accessory structures	See primary zoning requirements		

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(3) *Standards for agricultural and tributary rivers and streams.*

Minimum setbacks from ordinary high water level	
All structures except water-oriented accessory structures	100 feet
1 permitted water-oriented accessory structure	10 feet
Sewage treatment system	75 feet
Additional structure setbacks	
From top of bluff	30 feet
From unplatted cemetery	50 feet
From road right-of-way edge	50 feet
<del>From road right-of-way edge of a private road</del>	<del>25 feet</del>
Maximum impervious surface coverage	15% of lot area
Maximum height of principal and accessory	See primary zoning

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The minimum setback from a wetland shall be 50 feet.

\*Setbacks from the ordinary high water mark and the side yard setbacks, may be modified without variance for structures existing on August 1, 2009 located outside of the shore impact zone and above the top of bluff with the dedication and recording of an easement (including a planting plan), approved by the County Planning and Zoning Administrator, providing for planting and maintenance of approved shoreland plants at a ratio of three square feet of plants for each square foot of additional building, deck or porch area added. Side yard setback must be maintained at a distance of at least ten (10) feet. Whenever possible, shoreland plants will be planted near the shore and worked landward.

Shore Impact Zone. The shore impact zone is defined as land located between the Ordinary High Water Level (OHWL), or the delineated boundary of a wetland intersects the shore impact zone as measured from the OHWL, and a parallel line at a distance of 50% of the setback for principal structures. (For example, the shore impact zone for natural environment lakes would be 100 feet, for recreational development lakes 75 feet, and for general development lakes 37.5 feet. The shore impact zone around a wetland that intersects a lake's shore impact zone would similarly be 100 feet, 75 feet or 37.5 feet, depending on the lake classification). The Shore Impact Zone must remain in its natural vegetative state except as specified in subsection (H) below ("Shoreland Alterations").

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(4) The minimum setback from a wetland shall be 50 feet.

(5) Setbacks from the ordinary high water mark and the side yard setbacks, may be modified without variance for structures existing on August 1, 2009 located outside of the shore impact zone and above the top of bluff with the dedication and recording of an easement (including a planting plan), approved by the County Planning and Zoning Administrator, providing for planting and maintenance of approved shoreland plants at a ratio of three square feet of plants for each square foot of additional building, deck or porch area added. Side yard setback must be maintained at a distance of at least ten (10) feet. Whenever possible, shoreland plants will be planted near the shore and worked landward.

(6) Shore Impact Zone. The shore impact zone is defined as land located between the Ordinary High Water Level (OHWL), or the delineated boundary of a wetland intersects the shore impact zone as measured from the OHWL, and a parallel line at a distance of 50% of the setback for principal structures. (For example, the shore impact zone for natural environment lakes would be 100 feet, for recreational development lakes 75 feet, and for general development lakes 37.5 feet. The shore impact zone around a wetland that intersects a lake's shore impact zone would similarly be 100 feet, 75 feet or 37.5 feet, depending on the lake classification). The Shore Impact Zone must remain in its natural vegetative state except as specified in subsection (H) below ("Shoreland Alterations").

~~(4) Bluff impact zone. The **BLUFF IMPACT ZONE** is defined as the area of the bluff and land within 20 feet of the top of the bluff.~~

(5) Placement of structures on lots.

(a) Generally. Where principal structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

(b) Shore impact zones. Structures and accessory facilities, except stairways and landings and permitted water-oriented accessory structures, shall not be placed within shore impact zones.

(c) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

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(d) *Uses without water oriented needs.* Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(68) *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where the data does not exist, the elevation to which the lowest floor, including basement, is placed or flood proofed must be determined as follows:

(a) For lakes, by placing the lowest floor at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is highest; and

(b) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are 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 approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, Parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

(79) *Water oriented accessory structures* Each lot may contain one water oriented accessory structure not meeting the normal structure setback in this subsection if this structure complies with the following provisions.

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(a) The building area of the structure or facility shall not exceed 250 square feet in area, measured at grade, or ten (10) feet in height, exclusive of safety rails. Detached decks shall not exceed eight feet above grade at any point.

(b) The structure or facility shall be set back a minimum of ten (10) feet from the ordinary high water level.

(c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

(d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

(e) The structure or facility shall not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(f) Water oriented accessory structures may have the lowest floor placed lower than elevation determined in subsection (G) above if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(g) On general development and recreational development lakes, water-oriented accessory structures used solely for watercraft storage, including storage of related boating and water oriented

sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

~~(910)~~ *Guest cottages.* One guest cottage may be allowed on lots that are at least 50% greater in area than the minimum lot area specified in subsection (F) above, provided the following standards are met.

(a) A guest cottage shall not exceed 700 square feet in area, measured at grade, or 15 feet in height.

(b) A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

(c) The parcel may not be further subdivided to place the guest cottage on a separate lot.

(d) Before securing approval for construction of a guest cottage, the owner of the property shall record against the deed, a deed restriction running in favor of the county limiting ownership of the guest cottage to the owner of the principal dwelling unit on the property.

~~(911)~~ *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 lift must meet the following design requirements.

(a) Stairways and lifts shall 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 shall not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public open space recreational properties.

(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.

(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.

(f) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas provided that the dimensional and performance standards of subsections (G)(9)(a) through (G)(9)(e) above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

~~(1012)~~ *Shore impact zone for permitted agricultural uses.*

(a) The shore impact zone for parcels with permitted agricultural land uses is an area with a 50-foot average width and a 30-foot minimum width, as measured from the ordinary high water level if identified, or the top or crown of bank or normal water level as provided in M.S. § 103F.48, Subd. 3(c), as it may be amended from time to time, whichever is applicable.

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(b) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service Field Office Technical Guides (FOTG), practices approved by the Board of Water and Soil Resources (BWSR), or practices based on local conditions approved by of the local soil and water conservation district that are consistent with the FOTG.

(c) Alternative practices: incorporation of approved alternative practices may reduce the overall buffer width, however, the minimum width cannot be less than 30 feet.

(H) *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, limit direct and indirect impacts on water quality, prevent bank slumping and protect fish and wildlife habitat. The following standards shall apply to shore and bluff impact zones and steep slopes.

(1) The shore impact zone shall be maintained as a natural vegetative buffer, consisting of trees, shrubs and low ground cover of native plants and understory in a natural state.

(2) Vegetation clearing and removal of ground cover, including leaf litter and the forest floor duff layer, is not allowed within the shore and bluff impact zones and on steep slopes, except as follows.

(a) Within the shore impact zone, limited clearing of trees and shrubs, and cutting, pruning and trimming of trees may be allowed to accommodate the placement of stairways and landings, access paths, view corridors, recreation use areas and permitted water-oriented accessory structures or facilities. Trees, shrubs and a low ground cover consisting of native plants and understory shall be maintained in a natural state within this area. An access path permitted within this area shall not exceed a cleared width of six feet and must be oriented generally perpendicular to the shoreline.

(b) One shoreline recreation use area may be allowed on each residential lot, not to exceed the following dimensions:

<i>Class or District</i>	<i>Width (maximum distance in feet parallel to shore)</i>	<i>Length (feet)</i>
Agricultural and tributary rivers	30	15
General development	30	15
Natural environment	10	15
Recreational development	20	15

(c) Within bluff impact zones and on steep slopes, limited clearing of trees and shrubs, and cutting, pruning and trimming of trees may be allowed to accommodate the placement of stairways and landings and access paths. Trees, shrubs and a low ground cover consisting of native grasses and plants shall be maintained within these areas.

(d) Use of fertilizer shall not be allowed within the shore impact zone. Use of fertilizer and pesticides elsewhere within the Shoreland Overlay District provided that it is done in such a way as to minimize runoff into the shore impact zone or public water.

(e) No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings, and, where permitted, one water-oriented accessory structure.

(f) Along rivers, existing shading of water surfaces shall be preserved.

(g) The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

(I) *Topographic alterations/grading and filling.*

(1) Grading, 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.

(2) Public roads and parking areas are regulated by Articles 3 and 6 of this ordinance.

(3) Notwithstanding subsections (I)(1) and (I)(2) above, a grading and filling permit will be required for:

(a) The movement of more than five cubic yards of material on steep slopes or within shore or bluff impact zones; and

(b) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional 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 following functional qualities of the wetland;

(b) Sediment and pollutant trapping and retention;

(c) Storage of surface run-off to prevent or reduce flood damage;

(d) Fish and wildlife habitat;

(e) Recreational use;

(f) Shoreline or bank stabilization; and

(g) Noteworthiness, including special qualities such as historic significance critical habitat for endangered plants and animals or others.

(5) 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.

(6) 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.

(7) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

(8) 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.

(9) Fill or excavated material must not be placed in a manner that creates an unstable slope.

(10) 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% or greater.

(11) Fill or excavated material must not be placed in bluff impact zones.

(12) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of the DNR under M.S. § 103G.245, as it may be amended from time to time.

(13) 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.

(14) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(J) *Conservation subdivision design standards for residential development.* Within the Shoreland Overlay District where the primary zoning district is the Limited Residential District, all subdivisions of eight or more lots at a density of eight units per 40 acres shall be designed according to the conservation subdivision design requirements of the Limited Residential District, and the following standards.

(1) The lot area, density and dimensional standards of the Limited Residential District shall apply.

(2) The shore and bluff impact zones shall be included as common open space. A minimum of one access corridor through the shore impact zone must be provided for use by all residents, with a minimum width of 50 feet, located outside of wetland or floodplain areas.

(K) Penalties for violation. A violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance) shall constitute a misdemeanor.

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(1) In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible to protect the shoreline.

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(2) When an ordinance violation is either discovered by or brought to the attention of the Land and Water Resources Director, the Land and Water Resources Director shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources Office along with the community's plan of action to correct the violation to the degree possible.

(3) The Land and Water Resources Director and the Zoning Administrator shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls.

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(a) If the structure and/or use are under construction or development, the Land and Water Resources Director in consultation with the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community, if

the construction or development is already completed, then the Land and Water Resources Director and or the Zoning Administrator may either:

1. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or

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2. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

(b) If the responsible party does not appropriately respond to the Land and Water Resources Director or the Zoning Administrator within the specified period, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The Land and Water Resources Manager or the Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

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(Ord. 97, passed 7-21-2009; Ord. 126, passed 10-17-2017; Ord. 139, passed 10-15-2019)

#### **§ 6.23 FO FLOODPLAIN OVERLAY DISTRICT STANDARDS.**

##### *(A) Statutory authorization, findings of fact and purpose.*

(1) *Statutory authorization.* The legislature of the state has, in M.S. Chapters 103F, Chapter 394, and Minnesota Rules, parts 6120.5000 – 6120.6200, as they may be amended from time to time, delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. M.S. Chapter 103F, as it may be amended from time to time, further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78. Therefore, the county does ordain as follows.

(2) *Statement of purpose.* The purpose of this section is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. This section is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(3) *Warning of disclaimer of liability.* This section does not imply that area outside of the floodplain district or land uses permitted within such districts will be free from flooding and flood damages. Not all flood risk is mapped. Larger floods do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This section shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this section, or any administrative decisions lawfully made thereunder.

##### *(B) General provisions.*

(1) *Adoption of flood insurance rate map.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Waseca County, Minnesota, and incorporated Areas, and the Flood Insurance Rate Map Index 27161CIND1A, both dated March 27, 2024, and prepared by the Federal Emergency Management Agency. These materials are on file in at the County Planning and Zoning Office. .

(2) *Lands to which section applies.* This section shall apply to all lands designated as floodplain within the jurisdiction of the county.

(3) *Interpretation.* The boundaries of the floodplain district shall be determined by scaling distances on the official floodplain zoning district map. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain. The Zoning Administrator shall require detailed studies consistent with subsection (D)(7) below to determine the floodway and flood fringe boundaries.

(C) *Conflict with pre-existing zoning regulations and general compliance.*

(1) *The Floodplain District as Overlay Zoning District.* The floodplain zoning district shall be considered an overlay zoning district to all existing land use regulations of the community. The uses permitted in subsections (D)(1) through (D)(6) and (D)(8) below shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this section shall apply in addition to other legally established regulations of the community and where this section imposes greater restrictions, the provisions of this section shall apply.

(2) *Compliance.* No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this ordinance. Within the floodway and flood fringe, all uses not listed as permitted uses in subsections (D)(1) through (D)(6) below shall be prohibited. In addition, a caution is provided here that:

(a) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this section and specifically subsections (D)(1) through (D)(6) and (D)(16) below;

(b) Modification, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this section and specifically subsection (D)(13) below; and

(c) As-built elevations for elevated structures must be certified by ground surveys as stated in subsection (D)(11) below.

(D) *Permitted uses, standards and floodplain evaluation criteria.*

(1) *Permitted uses in the floodplain.* The following uses of land are permitted uses in the floodplain district:

(a) Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill or storage of materials or equipment;

(b) Any uses of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the floodplain. These uses shall be subject to the development standards in subsections (D)(2) through (D)(6) below and the floodplain evaluation criteria in subsection (D)(7) below for determining floodway and flood fringe boundaries; and

(c) Recreational vehicles are regulated by subsection (D)(16) below.

(2) *Standards for floodplain permitted uses.* All development must:

(a) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Be constructed with materials and equipment resistant to flood damage;

(c) Be constructed by methods and practices that minimize flood damage;

(d) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

(e) Be reasonably safe from flooding and consistent with the need to minimize flood damage;

(f) Be assured to provide adequate drainage to reduce exposure to flood hazards;

(g) Not be detrimental to uses in adjoining areas; and

(h) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(i) Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

(j) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(k) Storage of materials and equipment.

1. Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural, or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the regulatory flood protection elevation.

3. No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

(l) All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one foot below the regulatory flood protection elevation and shall extend at such elevation at least 15 feet beyond the limits of the structure constructed thereon.

(3) *All uses.* Uses that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation to lands outside of the floodplain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

(4) *Commercial and manufacturing uses.* Accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation; however, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(5) *On-site sewage treatment, water supply systems and other Service Facilities.* Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270 and MN Rules Chapter 4725.4350 Flood Protection Subp. 2.

(6) *Manufactured homes.* Manufactured homes and manufactured home parks are subject to applicable standards of this section. In addition:

(a) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(b) New manufactured home parks and expansions to existing home parks must meet the appropriate standards for subdivisions in Section (D)(9).

(7) *Floodplain evaluation.*

(a) Upon receipt of an application for a use/building permit, manufactured home park development or subdivision approval within the floodplain district, the Zoning Administrator shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the regulatory flood protection elevation for the site. Procedures consistent with Minnesota Rules, Parts 6120.5600 (*Technical Standards and Requirements for Floodplain Evaluation*) and 6120.5700 (*Minimum Floodplain Management Standards for Local Ordinances*) shall be followed during the technical evaluation and review of the development proposal.

(b) The Zoning Administrator shall submit one copy of all information required by subsection (D)(7)(a) above to the respective Department of Natural Resources Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the community. The Zoning Administrator shall notify the respective

(c) Department of Natural Resources Area Hydrologist within ten days after a permit or manufactured home park development/subdivision approval is granted.

(8) *Public and Private, service facilities, roads, bridges, and Railroads in the Floodplain District.* All public and private utilities, service facilities, roads, bridges and railroads must meet the following, where applicable:

(a) Public Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

(b) Public Utilities. All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

(9) *Subdivisions*. All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(a) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

(b) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on Waseca County.

(c) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by Waseca County.

(d) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

(e) In the Floodplain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in subsection (D)(7)(a) above. The Planning Commission shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in subsections (D)(1) through (D)(8) above, and make a recommendation to the County Board.

(f) For all subdivision in the floodplain, the floodway and flood fringe boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(10) *Removal of special flood hazard area designation*. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(11) *Administration*.

(a) *Use permit required*. A permit issued by the Zoning Administrator shall be secured prior to the construction, addition or alteration of any building or structure; prior to the use or change of use

of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to the excavation or placement of an obstruction within the floodplain.

(b) Permit application requirements: permit applications must include the following, where applicable, together with the applicable requirements in §3.05:

1. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
2. Location and detail of grading, fill, or storage of materials.
3. Copies of any required local, state or federal permits or approvals.
4. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

(c) *State and federal permits.* Prior to granting a permit or processing an application for a variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

1. Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

(d) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

(e) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Waseca County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.

(f) *Certification of lowest floor elevations.* The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this section. The Zoning Administrator shall maintain a record, in perpetuity, of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the floodplain district.

(12) *Variances.*

(a) The Board may authorize upon appeal in specific cases relief or variance from the terms of this section as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation, which justified the granting of the variance.

(b) Variances from the provisions of this section may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this section. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the regulatory flood protection elevation.

(c) The Board shall submit by mail to the Department of Natural Resources respective Area Hydrologist a copy of the application for proposed variance sufficiently in advance so that the respective Area Hydrologist will receive at least ten days' notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Department of Natural Resources respective Area Hydrologist within ten days of such action.

(d) Appeals from any decision of the Board may be made and as specified in this community's official controls and state statutes.

(e) Additional Variance Criteria. The following additional variance criteria must be satisfied:

1. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

2. Variances from the provisions of this ordinance may only be issued by a community upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

5. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

(f) Flood insurance notice and record keeping. The Zoning Administrator shall notify the applicant for a variance that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The Zoning Administrator must report all variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

(13) *Nonconformities.* A structure or the use of a structure or premises which was lawful before the passage or amendment of this section, but which is not in conformity with the provisions of this section may be continued subject to the following conditions.

(a) No such use shall be expanded, changed, enlarged or altered in a way, which increases its nonconformity.

(b) An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.

(c) The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor, if the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of this subsection (D) for new structures.

(d) If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this section. The Zoning Administrator may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this section.

(14) *Penalties for violation.* A violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance) shall constitute a misdemeanor.

(a) In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(b) When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

(c) The Zoning Administrator shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls.

1. If the structure and/or use are under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community, if the construction or development is already completed, then the Zoning Administrator may either:

a. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or

b. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

2. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period, each additional day that lapses shall constitute an additional violation of this

ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition, which existed prior to the violation of this ordinance.

(15) *Amendments.* All amendments to this ordinance, including revisions to the official floodplain zoning district map, shall be submitted to and approved by the Department of Natural Resources prior to adoption. The floodplain designation on the official floodplain zoning district map shall not be removed unless the area is filled to an elevation at or above the regulatory flood protection elevation and its contiguous to lands outside of the floodplain. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Department of Natural Resources respective Area Hydrologist must be given at least ten days' written notice of all hearings to consider an amendment to this ordinance and the notice shall include a draft of this ordinance amendment or technical study under consideration.

(16) New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

(a) Meet the requirements for manufactured homes in (D)(1) through (D)(6) and (D)(16), or

(b) Be travel ready, meeting the following criteria:

1. The vehicle must be fully licensed.

2. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.

3. No permanent structural type additions may be attached to the vehicle.

4. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Section (D).

(Ord. 97, passed 7-21-2009; Ord. 156, passed 3-19-2024; ~~Ord. 159, passed 12-3-2024~~)

#### **§ 6.24 AO AIRPORT OVERLAY DISTRICT STANDARDS.**

(A) *Purpose and authority.* The Waseca Joint Airport Zoning Board, created and established by joint action of the City Council of Waseca and the Board of Commissioners of Waseca County, and the St. Mary Town Board, pursuant to the provisions and authority of M.S. § 360.063, as it may be amended from time to time, hereby finds and declares that:

(1) An airport hazard endangers the lives and property of users of the Waseca Municipal Airport, and property or occupants of land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of said airport and the public investment therein;

(2) The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Waseca Municipal Airport;

(3) For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards;

(4) The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;

(5) The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or making and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds;

(6) The Waseca Municipal Airport is an essential public facility that serves an important public transportation role and provides a public good; and

(7) This section amends and replaces the Waseca Municipal Airport Zoning Ordinance adopted in April 1974.

(B) *Short title.* This section shall be known as the Waseca Municipal Airport Safety Zoning Ordinance. Those sections of land affected by this ordinance are indicated in Exhibit A, which is attached to the ordinance amending this ordinance.

~~—(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~— **AIRPORT.** The Waseca Municipal Airport located in the east half of Section Fourteen (14), Township One Hundred Seven (107) North, Range Twenty three (23), West of the 5th Principal Meridian, Waseca, Minnesota.~~

~~— **AIRPORT ELEVATION.** The established elevation of the highest point on the usable landing area which elevation is established to be 1,126 feet above mean sea level.~~

~~— **AIRPORT HAZARD.** Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.~~

~~— **COMMISSIONER.** The Commissioner of the Minnesota Department of Transportation.~~

~~— **CONFORMING USE.** Any structure, tree, or object of natural growth, or use of land that complies with all the applicable provisions of this ordinance or any amendment to this ordinance.~~

~~— **DWELLING.** Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.~~

~~— **ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA (ERN-BUUA).** An area which, if it existed on or before January 1, 1978 shall be considered a conforming use that shall not be prohibited except as provided below in (E)(2)(e), Exemptions Established Residential Neighborhoods.~~

~~— **HEIGHT.** For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.~~

~~— **LANDING AREA.** The area of the airport used for the landing, taking off or taxiing of aircraft.~~

~~— **LOW DENSITY RESIDENTIAL STRUCTURE.** A single family or two family home.~~

~~— **LOW DENSITY RESIDENTIAL LOT.** A single lot located in an area which is zoned for single family or two family residences and in which the predominant land use is such type of residences.~~

~~— **NONCONFORMING USE.** Any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of this ordinance or an amendment hereto.~~

~~— **NONPRECISION INSTRUMENT RUNWAY.** A runway having an existing or planned straight in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.~~

~~—OTHER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or is 4,900 feet or more in length.~~

~~—PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.~~

~~—PLANNED. Only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, Minnesota Department of Transportation Office of Aeronautics and the City of Waseca.~~

~~—PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.~~

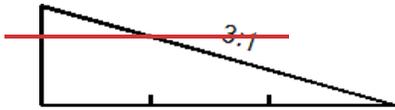
~~—RUNWAY. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft. The existing and planned runways at the Waseca Municipal Airport define the land use and airspace surfaces protected under this ordinance. The coordinates of the runway ends based on the updated Airport Layout Plan are as follows:~~

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<i>Runway-End</i>	<i>Latitude</i>	<i>Longitude</i>
15	N44° 04' 39.60"	W93° 33' 20.76"
33	N44° 04' 09.40"	W93° 33' 00.44"
33 (Planned)	N44° 04' 04.07"	W93° 32' 56.85"
2 (Planned)	N44° 04' 13.03"	W93° 33' 19.07"
20 (Planned)	N44° 04' 34.01"	W93° 33' 01.22"
Note: Coordinates are NAD83		

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~~—SLOPE. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.~~



~~— **STRUCTURE.** An object constructed or installed by humans, including, but without limitations, buildings, towers, smokestacks and overhead transmission lines.~~

~~— **TRAVERSE WAYS.** For the purpose of determining height limits as set forth in this ordinance, shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.~~

~~— **TREE.** Any object of natural growth.~~

~~— **UTILITY RUNWAY.** A runway that is constructed for, and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less; and is less than 4,900 feet in length.~~

~~— **VISUAL RUNWAY.** A runway intended solely for the operation of aircraft using visual approach procedures, with no straight in instrument approach procedure and no instrument designation indicated on an approved planning document.~~

~~— **WATER SURFACES.** Has the same meaning as land for the establishment of protected zones.~~

~~(DC)~~ *Airspace obstruction zoning.*

(1) *Airspace zones.* In order to carry out the purposes of this ordinance, as set forth above, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

(a) *Primary Zone.*

1. All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and:

- a. Extending 200 feet beyond each end of Runway 15/33.
- b. Coinciding with each end of Runway 2/20.

2. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- a. 500 feet for Runway 15/33.
- b. 250 feet for Runway 2/20.

(b) *Horizontal Zone:* All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,276.7 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of horizontal surface arc is 10,000 feet for Runway 15/33 which encompasses the arc of Runway 2/20.

(c) Conical Zone: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet as measured outward from the periphery of the horizontal surface.

(d) Approach Zone: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

1. 34 to one for Runway 15/33 expanding uniformly to a width of 3,500 feet at a distance of 10,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.

2. 20 to one for Runway 2/20 expanding uniformly to a width of 1,250 feet at a distance of 5,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.

(e) Transitional Zone: All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of seven to one from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.

(2) *Height restrictions.* Except as otherwise provided in this ordinance and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in ~~(D.C)~~(1) so as to project above any of the imaginary airspace surfaces described in said ~~(D.C)~~(1) hereof. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

(3) *Boundary limitations.* The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

~~(E.D)~~ *Land use safety zoning.*

(1) *Safety zone boundaries.* In order to carry out the purpose of this ordinance as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Waseca Municipal Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

(a) Safety Zone A: All land in that portion of the approach zones of a runway, as defined in ~~(D.C)~~(1) hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be:

1. 2,667 feet for Runway 15.
2. As illustrated in exhibits B2 and B3 for Runway 33.
3. 1,667 feet for Runway 2/20.

(b) Safety Zone B: All land in that portion of the approach zones of a runway, as defined in ~~(D.C)~~(1) hereof, which extends outward from Safety Zone A for a distance equal to one-third of the planned length of the runway, which distance shall be:

1. 1,333 feet for Runway 15.
2. As illustrated in Exhibits B2 and B3 for Runway 33.
3. 833 feet for Runway 2/20.

(c) Safety Zone C: All land which is enclosed within the perimeter of the horizontal zone, as defined in ~~(D)~~(1) hereof, and which is not included in Safety Zone A or Safety Zone B.

(d) Exceptions - Established Residential Neighborhoods: There are no lands designated as Established Residential Neighborhoods in Built-Up Urban Areas based upon the status of development existing on January 1, 1978.

(2) *Use restrictions.*

(a) General: Subject at all times to the height restrictions set forth in ~~(D)~~(2), no use shall be made of any land in any of the safety zones defined in ~~(D)~~(1), which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

(b) Zone A: Subject at all times to the height restrictions set forth in ~~(D)~~(2) and to the general restrictions contained in ~~(D)~~(2)(a), areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non- spectator), cemeteries and automobile parking.

(c) Zone B: Subject at all times to the height restrictions set forth in ~~(D)~~(2), and to the general restrictions contained in ~~(D)~~(2)(a), areas designated as Zone B shall be restricted in use as follows:

1. Each use shall be on a site whose area shall not be less than three acres;
2. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage;
3. Each site shall have no more than one building plot upon which any number of structures may be erected; and
4. A building plot shall be a single, uniform, and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

<b>Table 6.8 Maximum Ground Area and Population</b>			
<b>Lot Size</b>	<b>Ratio</b>	<b>Building Plot Area</b>	<b>Maximum Site Population</b>
3.00 – 3.99 acres	12:1	10,900 sq. ft.	45 persons
4.00 – 5.99 acres	10:1	17,400 sq. ft.	60 persons

6.00 – 9.99 acres	8:1	32,600 sq. ft.	90 persons
10.00 – 19.99 acres	6:1	72,500 sq. ft.	150 persons
>20.00 acres	4:1	218,000 sq. ft.	300 persons

5. The following uses are specifically prohibited in Zone B: Churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

(d) Zone C: Subject only to height restrictions set forth in ~~(E)~~(2), and to the general restrictions contained in ~~(E)~~(2)(a).

(e) Exemptions – Established Residential Neighborhoods: There are no lands designated as Established Residential Neighborhoods in Built-Up Urban Areas based upon the status of development existing on January 1, 1978.

(3) *Boundary limitations.* The land use zoning restrictions set forth in this ordinance shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

~~(F)~~ *Airport zoning map.* The several zones herein established are shown on the Waseca municipal airport zoning map, consisting of four sheets, prepared by TKDA, and dated September 30, 2019, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this ordinance.

~~(G)~~ *Nonconforming uses.* Regulations not retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within two years thereof.

~~(H)~~ *Permits.*

(1) *Future uses.* Except as specifically provided in paragraphs (a) and (b) hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height or land use limit prescribed for the respective zone.

(b) Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limitations established by this ordinance as set forth in ~~(D.C)~~ and the land use limitations set forth in ~~(E.D)~~.

(2) *Existing uses.* Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(3) *Nonconforming uses abandoned or destroyed.* Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his or her own expense, to lower, remove, reconstruct or equip the same in the manner necessary to conform to the provisions of this ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten days after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of 8% per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

~~(H)~~ *Variance.* Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his or her property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an application for a variance by certified mail to the members of the Board and the Board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner, by certified mail, that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to M.S. § 360.063, Subd. 6a. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this ordinance. The Board of Adjustment may request the following prior to making a decision:

(1) A review of the variance application by the MnDOT Office of Aeronautics.

(2) Airspace determination issued to the project proponent by the Federal Aviation Administration (FAA) for proposed action(s) requiring notice per Code of Federal Regulations, Title 14, Part 77.9.

~~(H)~~ *Hazard marking and lighting.*

(1) *Nonconforming uses.* The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Waseca.

(2) *Permits and variances.* Any permit or variance deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, and granted by the Zoning Administrator or Board shall require the owner of the structure or tree in question at his or her own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

~~(K)~~ *Airport Zoning Administrator.*

(1) It shall be the duty of the City of Waseca Planning and Zoning Coordinator, and Waseca County Planning and Zoning Administrator, to administer and enforce the regulations prescribed herein within their respective jurisdictions.

(2) Applications for permits and variances shall be made to the respective Airport Zoning Administrator upon a form furnished by them.

(3) Permit applications shall be promptly considered and granted or denied by them in accordance with the regulations prescribed herein.

(4) Variance applications shall be forthwith transmitted by the Airport Zoning Administrator for action by the Board, hereinafter provided for.

~~(L)~~ *Zoning Code Amendment.* The City Council for the City of Waseca and County Board of Commissioners for Waseca County will each determine how to administer the regulations of the Waseca Airport Zoning Ordinance and any proposed changes to their respective zoning codes within their respective jurisdictions.

~~(M)~~ *Board of Adjustment.* City of Waseca Planning Commission shall serve as the Board of Adjustment for requests within the City of Waseca and the Waseca County Board of Adjustment shall serve as the Board of Adjustment for requests within Waseca County outside of City of Waseca limits.

(1) *Powers.* The Board of Adjustment shall have and exercise the following powers:

(a) Hear and decide appeals from any order, requirement, decision, or determination made by the Administrator in the enforcement of this ordinance.

(b) Hear and decide special exceptions to the terms of this section upon which such Board of Adjustment under such regulations may be required to pass.

(c) Hear and decide specific variances.

(2) *Procedures.*

(a) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this ordinance. 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 may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official

actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.

(b) The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.

(c) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this section, or to effect any variation in this ordinance.

~~(AM)~~ *Appeals.*

(1) Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made in his administration of this ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Zoning Administrator is an improper application of this ordinance as it concerns such governing body or board.

(2) All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his administration of this ordinance who desires to appeal such decision shall submit an application for a variance, by certified mail, to the members of the Board of Adjustment in the manner set forth in M.S. § 360.068, Subd. 2.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.

(4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.

(5) The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

~~(QN)~~ *Judicial review.*

(1) Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, believes that a decision of the Board of Adjustment is illegal may appeal in accordance with M.S. Chapter 14; or

(2) Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal may present to the District Court of Waseca County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the

decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this ordinance before availing himself or herself of the right to petition a court as provided by this ordinance.

**(PQ) Penalties.** Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this section or who, having been granted a permit or variance under the provisions of this ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The airport Zoning Administrator may enforce all provisions of this ordinance through such proceedings for injunctive relief and other relief as may be proper under the laws of M.S. § 360.073 and other applicable law.

**(QP) Conflicts.** Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

**(RQ) Severability.**

(1) In any case in which the provision of this ordinance, although generally reasonable, is held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this ordinance as to other structures and parcels of land, and to this end the provisions of this ordinance are declared to be severable.

(2) 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 parts so declared to be unconstitutional or invalid.

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**Table 6.9 Properties Impacted by Airport Overlay District**

***This ordinance affects all or a portion of the following sections of land:***

	<b><i>Type of Airport Zoning</i></b>	
<b><i>Name and Number of Township</i></b>	<b><i>Airspace Obstruction Zoning: Section IV of Ordinance; Page(s) B1 of Zoning Map</i></b>	<b><i>Land Use Safety Zoning: Section V of Ordinance; Page(s) B2, B3 &amp; B4 of Zoning Map</i></b>
City of Waseca	Sections	Sections
T107N, R22W	6, 7, 8, 17, 18, 19, 20	7, 18, 19
T107N, R23W	12, 13	12, 13

St. Mary Township T107N, R23W	1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27
Woodville Township T107N, R22W	6, 7, 8, 17, 18, 19, 20, 29, 30, 31	7, 18, 19, 30
Iosco Township T108N, R23W	34, 35, 36	None
Blooming Grove Township T108N, R22W	31	None

(Ord. 97, passed 7-21-2009; Ord. 144, passed 11-17-2020)

**§ 6.25 AIC AGRICULTURAL INTERPRETIVE CENTER DISTRICT STANDARDS.**

(A) *Purpose.* The AIC Agricultural Interpretive Center District is intended to protect the site of the Minnesota Agricultural Interpretive Center (MAIC) and provide for the use of the district.

(B) *District boundaries.* District boundaries shall be defined as outside boundary lines and inclusive of the following quarter sections: the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 and the SW1/4 of the NE1/4, all in Section 8, Township 107 North, Range 23 West, Waseca County.

(C) *Permitted and conditional uses.* Specific permitted, conditional and accessory uses are subject to the requirements in Articles 3, 4 and 6 of this ordinance, and include solar farms.

(1) *Permitted uses.*

- (a) Agriculture and incidental agriculture related uses, including agricultural building(s);
- (b) Agricultural chemicals, fertilizer sales;
- (c) Forestry, production of woodland products, nurseries, tree farms;
- (d) Grain elevator, grain storage and drying (commercial);
- (e) Seasonal produce stand;
- (f) Single-family detached dwelling;
- (g) Two-family dwelling;
- (h) Accessory dwelling unit;
- (i) Home occupation , pursuant to §6.11(B);
- (j) Licensed residential program;
- (k) Parks and public recreation areas;
- (l) Campground;
- (m) Convention center, exhibit hall;
- (n) Flea market, auction site;

- (o) Retail sales establishment;
- ~~(p) Agricultural Direct Market;~~ and
- ~~(q) Two-sided electronic message center advertising signs of 40 square feet or less per side.~~
- ~~(r) Sober House.~~

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(2) *Conditional uses* (see [Article 4](#) for accessory uses).

- (a) Mineral extraction, mining;
- (b) Natural resource manufacturing and processing;
- (c) Temporary worker housing;
- (d) Cemetery, memorial garden;
- (e) Religious institution;
- (f) Organized group camp;
- (g) Riding academy, boarding stable;
- (h) Manufacturing: limited, including light assembly and packing; ~~and~~
- (i) Two-sided electronic message center advertising signs over 40 square feet per side;

~~(j) Home Occupation, pursuant to §6.11(C); and~~

~~(k) Agritourism.~~

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(D) *Permitted accessory uses.* The following shall be permitted accessory uses in the AIC Agricultural Interpretive District:

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- (1) Private garages;
- (2) Living quarters for persons employed on the premises;
- (3) The keeping of not more than two boarders or roomers by a resident family;
- (4) Private swimming pool when enclosed with a fence that extends from the ground to a height of five feet; and
- (5) Other accessory uses customarily incidental to the uses permitted in subsection (C) above.

(E) *Dimensional standards.*

(1) Height:

- (a) Agricultural buildings are exempt from height limitations and lot size requirements unless they are located in a special airport zone; and
- (b) Non-agricultural buildings hereafter erected or altered shall not exceed a height of two and one-half stories or 35 feet, whichever is greater.

(2) Lot area, residential dwellings:

- (a) Single-family dwelling: minimum ~~fivefive (5) top-ground-buildable~~ acres; and
- (b) Two-family dwelling: minimum ~~eighteight (8) top-ground-buildable~~ acres.

(3) Minimum lot width:

- (a) Single-family dwelling: 100 feet; and

- (b) Two-family dwelling: 300 feet.
- (4) Minimum setback from centerline all federal, state, county, and county-state aid highways, principal structure. Front yard: 150 feet;
- (5) Minimum setback from the centerline of all other public rights-of-way, principal structure. Front yard: 125 feet;
- (6) Minimum setback from property lines, all structures.
  - (a) Side yard: 80 feet; and
  - (b) Rear yard: 60 feet.
- (7) Minimum setback from accessory structures (less than 100 square feet in area and less than 14 feet in height): accessory structures not allowed in front yard:
  - (a) Side yard: ~~ten~~10 feet; and
  - (b) Rear yard: ~~ten~~10 feet.
- (8) Minimum windbreak and tree setback from public right-of-way less than 100 feet in width: 20 feet;
- (9) Minimum windbreak and tree setback from public right-of-way greater than 100 feet in width: 15 feet;
- (10) Minimum shrub windbreak setback from parcel boundary line:
  - (a) Side boundary line: ~~ten~~10 feet; and
  - (b) Rear boundary line: ~~ten~~10 feet.
- (11) Minimum tree windbreak setback from parcel boundary line:
  - (a) Side boundary line: 20 feet; and
  - (b) Rear boundary line: 20 feet.
- (12) Rear and side line setbacks on a parcel of land for windbreaks and trees may be eliminated or diminished by agreement of adjoining property owners when their agreement is in writing and filed with the Zoning Administrator. Such agreements may be on forms available from the Zoning Administrator.

(F) *General regulations.* Additional requirements for signs and other regulations in the AIC Agricultural Interpretive Center District are set forth in Articles 3 and 4 and the conditional use and specific development standards in Articles 3 and 6.

(Ord. 97, passed 7-21-2009; Ord. 117, passed 6-17-2014; Ord. 118, passed 8-19-2014)

**§ 6.26 SUMMARY OF ALLOWED AND CONDITIONAL USES.**

<i>Table 6.10 Summary of Allowed and Conditional Uses</i>						
<i>Zoning District</i>						
<i>Land Use</i>	<i>A-1: Agricultural</i>	<i>LR: Limited Residential</i>	<i>UE: Urban Expansion</i>	<i>VMX: Village Mixed Use</i>	<i>HC: Highway Commercial</i>	<i>I: General Industrial</i>

<b>Accessory Uses and Structures</b>						
Family daycare	P	P	P	P		
Group family daycare	P	P	P	P		
Keeping of animals other than household pets (non-farm)	C					
Kennels, <del>private</del> commercial	C	C		C		P
Outdoor display	C		C	C	C	P
Parking facility				P	P	P
Solar <del>equipment</del> Energy Systems (accessory)	P	P	P	P	P	P
Swimming pool, hot tub	P	P	P	P	P	
Water-oriented accessory structures (docks, lifts and the like)	P	C	P	P	P	
Wind turbine, accessory	P	P	P	P	C	C
Other accessory uses and structures that are incidental to the principal use including sheds and garages	P	P	P	P	P	P
<b>Agricultural, Natural Resources and Related</b>						
Agriculture	P	P	P			P

Agricultural chemicals, fertilizer sales	C			C	P	P
Agriculturally-oriented business	C			P	P	P
Ethanol or biofuel production, commercial	C					P
Feed and seed sales	P				P	P
Feed lots	P/C	C	C	C		
Forestry, production of woodland products, nurseries, tree farms	P	P	P			
Grain elevator, grain storage and drying (commercial)	C			C	P	P
Livestock sales barn and accessory facilities	C			C		
Mineral extraction, mining	C					C
Natural resource manufacturing and processing	C				P	P
Seasonal produce stand	P	P	P	P	P	P
Wildlife area, fish hatchery and forest preserve owned or operated by governmental agencies	P	P	P			
<b>Commercial Recreation</b>						

Campground	C	C	C	C	C	
Go-cart track, miniature golf, skating rink (unenclosed)					P	
Golf course, country club, driving range	C	C	C		C	
Gun or archery range, indoor	C		C		P	
Gun or archery range, outdoor	C				C	
Hunting club (private), hunting preserve	C	C				
Organized group camp	C	C				
Organized motor sports: ATVs, trucks, tractors or motorcycle tracks or trails (not including auto or other vehicle racing, tracks or events)	C		C		C	C
Paint ball course	C		C		C	
Riding academy, boarding stable	C	C	C		P	
Skating rink (enclosed), dance hall, game arcade, bowling alley, health club			C	C	P	
<b>Commercial Sales and Service</b>						
Adult uses					C	P
Airport, heliport, aircraft rental, sale,	C					P

servicing, manufacturing and related services						
Art, photography, crafts gallery, pottery shop, studios				P	P	
Automobile repair				C	P	C
Automobile service station, car wash				C	P	C
Automobile, trailer, marine, recreational vehicle and farm implement sales					P	P
Bakery, coffee shop				P	P	
Barber, beauty shop		P		P	P	
Bed and breakfast	C	P		P	P	
Building material sales and storage, lumberyard, garden store, commercial greenhouse, manufactured home sales			C		P	P
Convenience gas and goods sales				P	P	C
Convention center, exhibit hall					P	
Flea market, auction site			P		P	P
Laundry, laundromat					P	
Motel, hotel					P	
Office- professional or medical			C	C	P	

Office, other than professional or medical			C	C	P	
Office services			C		P	P
Repair services <sup>1</sup>			C	C	P	P
Restaurant (drive-in), theater (drive-in), or similar uses that provide goods and services to patrons in automobiles			C		P	C
Restaurant			C	C	P	
Retail sales establishment <sup>2</sup>			C	P	P	
Shopping center					P	
Tavern, club				C	P	
Veterinary and animal clinic and facilities for the care and/or breeding of animals including kennel	C		C	C	P	C
Water-oriented commercial business					C	
<b>Industrial</b>						
Advertising sign (off-site)					C	C
Cold storage plant, ice plant						P
Contractor's yard with outdoor storage						P
Fertilizer manufacture						C

Industrial sales establishment, including auction houses <sup>3</sup>						P
Landfill (sanitary), recycling facility	C					C
Manufacturing-limited, including light assembly and packing <sup>4</sup>						P
Manufacturing, general <sup>5</sup>						P
Salvage yard, recycling facility with incinerator, other facilities with incinerators						C
Storage, bulk	C					C
Truck terminal, truck stop, freight terminal					C	P
Warehouse distribution facility					C	P
<b>Institutional, Educational and Civic</b>						
Cemetery, memorial garden	C	C	C	C		
Daycare center	C	C	P	P	P	
Highway maintenance shops and yard	P		C			P
Local governmental agency building or facility, community center	P	P	P	P	P	P

Parks and public recreation areas	P	P	P	P	P	P
Religious institution	C	P	P	P	C	
School, public or private			P	P	C	
School, trade						P
<b>Other Uses</b>						
Antennas for radio, television and communication facilities	C					C
Essential services, facilities and structures	C	C	C	C	C	C
Railroad right-of-way, but not including railroad yard	P	P	P	P	P	P
Wind farm	C					
<b>Residential and Related</b>						
Accessory dwelling unit	P	P	C	P	P	
Boarding house		C	C	C		
Home occupation	P/C	P/C	P/C	P/C		
Licensed residential program (up to 8 residents)	P	P	P	P	C	
Manufactured home park			C	C		
Multi-family dwelling		C		C		

Single-family detached dwelling	P	P	P	P	C	
Temporary worker housing	C	C	C			
Two-family dwelling	C	C	C	C		
<u>Sober House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<sup>1</sup> Repair services include, but are not limited to, the repair of: appliances; furniture and upholstery; jewelry; shoes; musical instruments; watches; and other articles generally found for sale in retail sales establishments.						
<sup>2</sup> Retail sales establishments include, but are not limited to, establishments that offer the following goods and/or service: antique and collectibles; bicycle sales and repair; books; clothing; convenience food goods; drugs; groceries; guns and ammunition; hardware; jewelry; music; musical instruments; newspapers and magazines; office furniture and supplies; picture framing; recreation equipment sales and service; stationery; tobacco; tourist related sales and service; video sales and rentals.						
<sup>3</sup> Industrial sales establishment includes: dental instruments and supplies; medical and surgical instruments and supplies; precision instrument sales; sign contractor and welding supply.						
<sup>4</sup> Limited manufacturing includes: manufacture and assembly of cabinets and woodworking products; camera and photographic products; clothing; computers and accessories; confectionary and related products; footwear; film and video equipment; hand and edge tools; handbags and luggage; laboratory instruments and associated equipment; medical equipment; sports equipment; temperature controls; telecommunications equipment; bottling or distillation; printing; publishing; engraving and reproduction; newspaper plant and office; design and manufacture of patterns.						
<sup>5</sup> General manufacturing includes the manufacturing and/or assembly of these products or conducting these processes: electric lighting and wiring equipment; electrical products and appliances; fabricated metal, plastic and rubber products (except tires and inner tubes); glass and glass products; textiles and fabrics; optical instruments and lenses; gypsum, drywall, plaster, and stone products; machinery and equipment such as engines and turbines, cooling and refrigeration equipment, and machine tools; metal working such as stamping, welding, extruding, engraving, plating, grinding, polishing, cleaning and heat-treating.						

(Ord. 97, passed 7-21-2009)

**§ 6.27 CLOSED LANDFILL RESTRICTED (CLR) DISTRICT.**

(A) *Purpose.* The Closed Landfill Restricted (CLR) District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the State Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's land management area, the limits of which are defined by the MPCA, and is legally described as shown on the zoning map amendment. This district shall apply whether the landfill is in public (MPCA, county, city, township), Indian tribal or private ownership.

(B) *Permitted uses according to the closed landfill program land use plan approved by State Pollution Control Agency on file at the County Planning and Zoning office.*

- (1) Closed landfill management;
- (2) Temporary waste tire storage;
- (3) County storage and equipment maintenance; and
- (4) Yard waste recycling.

(C) *Accessory uses according to the closed landfill program land use plan approved by State Pollution Control Agency on file at the County Planning and Zoning office.*

(1) Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates are permitted under these provisions.

(2) Accessory buildings for uses other than the landfill management must be located outside of the methane gas area of concern.

(D) *Conditional uses according to the closed landfill program land use plan approved by State Pollution Control Agency on file at the Waseca County Planning and Zoning office.* Conditional uses shall be limited to uses that do not damage the integrity of the land management area and that continue to protect any person from hazards associated with the landfill. Any application for a conditional use must be approved by the Commissioner of the MPCA and the county. Detailed site plan and management plans shall be required with conditional use permit applications.

(1) Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the land management area that the Commissioner of the MPCA deems necessary for future response actions.

(a) Law enforcement firearms practice range conditioned on the approval of a site plan and management plan by the MPCA Commissioner and the county;

(b) Wildlife Management food plots and shelter belts;

(c) Solar energy conversion;

(d) Archery range/course; and

(e) Wind energy conversion.

(2) All conditional use permit uses must be approved by the Commissioner of the MPCA and the county.

(E) *Prohibited uses and structures.* All other uses and structures not specifically allowed as conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

(F) *General regulations.* Requirements for site design and other regulations related to the uses of the property are included, but not limited to, those specified in Article 4 General Regulations and Article 5 General Environmental Regulations, within the County Unified Development Code.

(G) *Amendments.* Any amendment to this ordinance must be approved by the Commissioner of the MPCA and the county.

(Ord. 106, passed 2-21-2012)

## **ARTICLE 7: ADMINISTRATION, FEES, VIOLATIONS AND ENFORCEMENT**

### Section

[7.01](#) Zoning Administrator

[7.02](#) Planning Commission

[7.03](#) Board of Adjustment

[7.04](#) Violations and penalties

[7.05](#) Nuisance control

[7.06](#) Enforcement

### **§ 7.01 ZONING ADMINISTRATOR.**

(A) *Position established.* The office of County Zoning Administrator is hereby established, for which the Board of County Commissioners may appoint an Administrator and such other personnel necessary to discharge the duties of the office.

(B) *Duties.* The duties of the Zoning Administrator shall include the following:

(1) To be in direct administration of this ordinance, the County Subdivision Regulations and Feedlot Ordinance;

(2) Issue zoning permits and any other permits as required by the terms of this ordinance;

(3) To receive and forward to the Board of County Commissioners, County Planning Commission, Board of Adjustment and other appropriate agencies as required or appropriate by state statutes all applications, documents and actions;

(4) To keep or supervise the keeping of all necessary records, plats and maps;

(5) To act as Secretary to the Board of Adjustment and County Planning Commission;

(6) To act as advisor to the Board of Adjustment and County Planning Commission;

(7) Provide information upon request relative to matters of this ordinance, the County Subdivision Regulations, the County Planning Commission and the Board of Adjustment; and

(8) Report on a regular basis to the County Board of Commissioners the recommendations, findings and decisions of the County Planning Commission and Board of Adjustment for final action where necessary.

(Ord. 97, passed 7-21-2009)

### **§ 7.02 PLANNING COMMISSION.**

(A) *Establishment, organization and membership.* The County Board of Commissioners hereby establishes the County Planning Commission. The Planning Commission shall consist of seven members appointed by the Chair of the Board. The following membership requirements shall be met.

(1) At least two members shall be residents of the portion of the county outside the corporate limits of municipalities.

(2) The term of each member shall begin January 1, and continue through December 31. All appointees shall hold their offices until their successors are appointed. Each member shall serve for a period of three years, except the term of the officer or employee appointed by the Board shall be annually. The beginning and ending terms of members shall be staggered as much as feasibly possible to provide for proportional rotation of its members.

(3) Each member may be eligible at the discretion of the County Board for reappointment.

(4) No more than one voting member of the Planning Commission shall serve as an officer or employee of the county.

(5) No voting member of the Planning Commission shall receive, during the two years prior to appointment, any substantial portion of his or her income from business operations involving the development of land within Waseca County for the development of land for urban and urban related purposes.

(6) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Planning Commission member from voting thereon shall be decided by majority vote of all regular Commission members, except the member who is being challenged.

(7) The County Board may designate by resolution any county officer or employee or any other person as a non-voting, ex-officio member of the Commission.

(8) The Commission may call for the removal of any member for non-performance of duty or misconduct in office. Upon a second meeting absence in a 12-month period, the Secretary shall notify the member of such absence via letter. If a member has three absences in any 12-month period, the Secretary shall certify this fact to the Commission and the Commission shall notify the County Board. The Board Chair shall appoint a replacement for the unexpired term as if the member has resigned.

(9) Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, the Secretary thereof shall give immediate notice to the Chair of the County Board. The County Board Chair shall appoint a qualified person for the unexpired term of the vacant seat.

(10) Should any vacancy occur among the Chair or Vice Chair of the Planning Commission, the vacant office shall be filled in accordance with the provisions of this subsection, such officer to serve the unexpired term of the office in which such vacancy shall occur.

(11) The members of the Planning Commission, other than the member of the Board of County Commissioners, may be compensated in an amount determined by the County Board. All Commission members, including the County Commissioner, may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission. Nothing in this paragraph shall be construed to prohibit the payment of a per diem to the County Commissioner as set by the County Board.

(12) The Planning Commission shall elect a Chair and Vice Chair from among its members at the beginning of each calendar year. The Commission shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. The Zoning Administrator shall act as Secretary of the Commission and shall be a non-voting, ex-officio member.

(13) The meetings of the Planning Commission shall be held at the call of the Chair and at such other times as the Commission may specify in its rules of procedure.

(B) *Powers and duties.* The Planning Commission shall have the following powers and duties.

(1) The Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption of a Comprehensive Plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.

(2) The Commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the Board.

(3) The Commission may be required by the Board to review any Comprehensive Plans and official controls and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the Board.

(4) The Commission shall conduct at least one public hearing on any Comprehensive Plan or amendments thereto, any official control or amendments thereto, on any conditional use permit, and any proposal for a subdivision.

(5) The Commission shall perform any additional duties and responsibilities that may be assigned by the Board.

(Ord. 97, passed 7-21-2009; Ord. 125, passed 7-18-2017)

### **§ 7.03 BOARD OF ADJUSTMENT.**

#### *(A) Creation and membership.*

(1) A Board of Adjustment shall be established and shall consist of five members. One member shall be a member of the County Planning Commission. No elected officer of the county, nor any employee of the Board of Commissioners, shall serve as a member of the Board of Adjustment.

(2) The Board of Adjustment members shall be appointed by resolution of the County Board, each for a term of three years. Two appointments shall be made at the beginning of each calendar year, except that every third year one appointment shall be made. Each member shall be eligible for reappointment by the County Board.

(3) The County Board may, by resolution, remove any Board of Adjustment member for non-performance of duty or misconduct in office. Vacancies which occur by reason of death, resignation, disability or otherwise, shall be filled by an appointment by the County Board for the unexpired term of the vacant seat.

(4) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board of Adjustment member from voting thereon shall be decided by majority vote of all regular Board members, except the member who is being challenged.

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

(6) The Board of Adjustment shall elect a Chairperson and Vice Chairperson from among its members at the beginning of each calendar year. The Board shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. The Zoning Administrator shall act as Secretary of the Board.

(7) The meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may specify in its rules of procedures.

#### *(B) Powers and duties.* The Board of Adjustment shall have the following powers and duties.

(1) *Administrative review.* The Board shall hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this ordinance.

(2) *Variations.* The Board shall order the issuance of variances from the terms of this ordinance in accordance with M.S. Chapter 394, as it may be amended from time to time, including restrictions placed on nonconformities, according to the requirements and procedures found in [§ 3.08](#).

(3) *Official map appeals.* The Board shall have the exclusive authority to hear and decide any appeals of a denial of a land use permit by the Board of Commissioners due to the land's location on any official map, as set forth in and under the procedures of M.S. § 394.361, as it may be amended from time to time.

(C) *Other duties.* The Board of Adjustment shall order the issuance of permits for buildings in areas designated for future public use on official maps. The Board shall also perform such other duties as required by this ordinance and any other official controls adopted pursuant to the provisions of M.S. Chapter 394, as it may be amended from time to time.

(D) *Appeals from the Board of Adjustment.* All decisions by the Board of Adjustment shall be final in the granting of variances and in hearing appeals from any administrative order, requirement, decision or determination. Any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to make an appeal to the District Court on questions of law and fact. Such appeal shall be made within 30 days after the receipt of the notice of the Board's decision. Appeal requirements and procedure are found in [§ 3.08](#).

(Ord. 97, passed 7-21-2009; Ord. 125, passed 7-18-2017)

#### **§ 7.04 VIOLATIONS AND PENALTIES.**

Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provision hereof, shall be punished by a fine not to exceed the state maximum for misdemeanors or by imprisonment not to exceed 90 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 97, passed 7-21-2009)

#### **§ 7.05 NUISANCE CONTROL.**

(A) It is the purpose of this section to provide for and control those nuisances, which will affect the public health and safety of the residents of the county and further preserve the aesthetic values of the county and individual neighborhoods.

(B) All refuse containing garbage shall be disposed of in such facilities designated by the County Board in compliance with the county landfill regulations. It shall be unlawful for any person to dispose of refuse in any other manner unless prior approval is obtained from the County Board and such disposal does not provide breeding grounds for rodents or produce noxious effects on adjoining property.

(C) At any time when there is found to exist on any property rodents which are detrimental or present an unnecessary health threat to adjoining properties, the property owner of the property shall be given notice of the nuisance and shall within 45 days correct the rodent problem found to exist. The method of correction may be extermination utilizing means acceptable to the county and the State Pollution Control Agency and/or may include the removal of the source, i.e., debris piles, unprotected storage areas, lumber piles. If within 45 days the nuisance is not corrected, the county may take corrective action as provided elsewhere in this section.

(D) In all zoning districts, the growth of noxious weeds shall be controlled to the greatest degree possible. Each property owner shall be responsible to maintain the area adjacent to the dwelling unit or commercial structure. In Agricultural Districts, noxious weeds shall be controlled on each farm or dwelling site. Enforcement of this provision shall be coordinated by the County Agricultural Inspector.

(E) It shall be unlawful for any person to store materials such as brush piles, used lumber, unlicensed and inoperable automobiles, unusable recreation vehicles and appliances or scrap iron, unless such storage is allowed in the specific zoning district where it is located, or when the storage of those materials is adequately screened in accordance with the provisions of this ordinance and does not create rodent or other nuisance problems.

(Ord. 97, passed 7-21-2009)

#### **§ 7.06 ENFORCEMENT.**

(A) *Enforcing officer.* This ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer. Any person who shall violate any of the provisions of this ordinance shall be punished by a fine of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

(B) *Duty of Zoning Administrator.* It shall be the duty of the Zoning Administrator to enforce this ordinance through the proper legal channels including the notification and enforcement procedure contained in this section.

(1) Whenever the Zoning Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of the ordinance, the Zoning Administrator shall give notice of such alleged violation to the owner of record of the property, as hereinafter provided. Such corrective action notice shall:

(a) Be in writing;

(b) Include a statement of the reasons for the issuance;

(c) Allow 45 days' time for the performance of any act it requires (if work cannot be completed in the 45-day period, extensions may be granted by the Zoning Administrator if reasons for hardship do prevail and can be verified); and

(d) Be served upon the owner or his or her agent as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his or her last known address, or when he or she has been served with such notice by any method authorized or required by the laws of this state.

(2) Any person affected by any notice that has been issued in connection with the enforcement of any provision of this ordinance may request and shall be granted a hearing of the same before the Board of Adjustment.

(3) Whenever the Zoning Administrator finds that an emergency exists, which requires immediate action to protect the public health, the Zoning Administrator may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Zoning Administrator shall be afforded a hearing as soon as possible. The provision shall be applicable to such hearing and the order issued thereafter.

(4) Should the necessary corrective action required not be taken within 45 days after notice by the Zoning Administrator or decision of the Board of Adjustment or the time frame for any extension granted by the County Zoning Administrator, the County Board shall be advised of the nuisance and may direct the County Sheriff to perform such duties as may be necessary to enforce the provisions of this chapter. In addition, the County Board may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of

the county attorney to institute such action. The County Board may provide for the nuisance correction and charge the property owner for any and all costs incurred in the process.

(5) Shore impact zone for agricultural use violations: violations of the provisions of the county buffer ordinance will use the notification and enforcement provisions contained in § [5.05](#).

(C) *Duty of the County Recorder.* A copy of all recorded plats shall be submitted by the County Recorder to the Zoning Administrator for review after recording. The Zoning Administrator shall examine each such instrument to determine whether the proposed conveyance complies with the subdivision and platting regulations of the county. If the conveyance does not comply with regulations, the Zoning Administrator shall give notice by mail of the potential violation to the parties to the conveyance.

(D) *County Board notification.* Prior to initiating any civil court proceedings against any violation of this ordinance, the Zoning Administrator shall first inform the County Board of the alleged violation and notify them of the required action after conferring with the County Attorney and other necessary county staff persons.

(E) *Duty of County Attorney.* In the event of a violation or a threatened violation of this ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

(F) *Taxpayer action.* Any taxpayer or taxpayers of the county may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials, of any duty required by this ordinance.

(Ord. 97, passed 7-21-2009; Ord. 126, passed 10-17-2017)

## ARTICLE 8: DEFINITIONS

Section

[8.01](#) Introduction

[8.02](#) Interpretation of certain terms

[8.03](#) Definitions and acronyms

### § 8.01 INTRODUCTION.

Definitions for certain terms and words used in this ordinance are defined in § [8.03](#). If not defined in this article, words and terms shall be given the meanings defined in M.S. Chapter 394, as it may be amended from time to time, and if not defined there, they shall be given their common meaning.

(Ord. 97, passed 7-21-2009)

### § 8.02 INTERPRETATION OF CERTAIN TERMS.

For the purpose of this ordinance, the following terms and words shall be interpreted as follows, unless the context clearly indicates or requires a different meaning.

(A) The words “shall”, “will” and “must” are mandatory, not discretionary, and create an obligation or duty to comply with the particular provision.

(B) The word “may” is permissive.

(C) The word “person” shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations.

(D) Words used in the present tense shall include the future.

(E) Words used in the singular shall include the plural, and the plural the singular, unless otherwise indicated in the text.

(F) The word “and” used in conjunction with a series of items shall mean all items must occur.

(G) The masculine gender shall include the feminine.

(H) The term “used for” shall include the terms “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

(I) Any word or term, which appears in this ordinance that, is not defined herein shall be interpreted and defined by the Zoning Administrator.

(Ord. 97, passed 7-21-2009)

### § 8.03 DEFINITIONS AND ACRONYMS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING OR STRUCTURE.** A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.

**ACCESSORY USE.** A use that is subordinate in area, extent and purpose to the principal use. It is clearly incidental and related to the principal structure, building or use of land, and located on the same lot as that of the principal structure, building or use.

**ADULT USE-BODY PAINTING STUDIO.** A business or establishment that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a person when such body is wholly or partially nude in terms of “specified anatomical area”.

**ADULT USE-BOOKSTORE OR SEXUAL PARAPHERNALIA STORE.** A building or portion of a building used for the barter, rental, or sale of any one of the following:

(1) Printed matter, pictures, slides, records, audio tape, videotape, DVD or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”; or

(2) Instruments, devices or paraphernalia that are design for use in connection with specified sexual activities.

**ADULT USE-CABARET.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-COMPANIONSHIP ESTABLISHMENT.** A companionship establishment which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-CONVERSATION/RAP PARLOR.** A business or establishment that excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-GOODS OR MATERIALS.** Adult use goods or materials include, but are not limited to goods, materials, items, articles, clothing or services in which there is an emphasis on the presentation, display, depiction or descriptions of “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-HEALTH/SPORT CLUB.** A health/sports club that excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-HOTEL/MOTEL.** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-MASSAGE PARLOR, HEALTH CLUB.** A massage parlor or health club that restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-MINI MOTION PICTURE THEATER.** A building or portion of a building with a capacity of less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**ADULT USE-MODELING STUDIOS.** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

**ADULT USE-MOTION PICTURE ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated, or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-MOTION PICTURE THEATER.** A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**ADULT USE-NOVELTY BUSINESS.** A business that has as a principal activity the sale of devices which stimulate human genitals or devices that are designed for sexual stimulation.

**ADULT USE-SAUNA.** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT USE-STEAM ROOM/BATHHOUSE FACILITY.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**ADULT USES.** Adult uses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

**ADULT USES-ACCESSORY.** An adult use, business or establishment having no more than 10% of the floor area of the establishment in which it is located; or having no more than 20% of the gross receipts of the entire business operation; and not involving or including any activity except the sale or rental of merchandise.

**ADULT USES-PRINCIPAL.** An adult use, business or establishment having more than 10% of the floor area of the establishment in which it is located; or having more than 20% of the gross receipts of the entire business operation derived from any adult use.

**AERIAL IRRIGATION (OF ANIMAL WASTE).** The spreading of animal waste into the air with the aid of pipes, hoses, pumps and/or spraying nozzles. The spreading of liquid materials with the use of commercially produced manure spreaders is not considered **AERIAL IRRIGATION**.

**AGENCY.** The Minnesota Pollution Control Agency (MPCA).

**AGGREGATED PROJECT.** In reference to regulating wind energy conversion systems, aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the **AGGREGATED PROJECT**.

**AGRICULTURE.**

(1) The use of land for the production for commercial purposes and on the farm use of livestock and livestock products, other animals and other animal products, poultry and poultry products and all crops, including, but not limited to, the following:

(a) Farm livestock and livestock products - domestic animals kept for use on the farm or raised for sale or profit, including but not limited to dairy and beef cattle, swine, sheep, goats, horses, bees, honey, milk, cheese, butter and meat;

(b) Other animals, except farm livestock, for their pelt, pleasure or sport, including, but not limited to, rabbits, mink, dogs, ponies, buffalo and deer; the term shall not include wild, exotic or predatory-type animals such as, but not limited to, tigers, panthers, wolves and the like;

(c) Domestically raised fowl for food and pleasure, including, but not limited to, chickens, turkeys, ducks, geese and game birds;

(d) Field crops, including, but not limited to, corn, milo, soybeans, sorghum, sunflowers, wheat, oats, rye, barley, hay, potatoes, beans and peas;

(e) Fruit, including, but not limited to, apples, plums, apricots, peaches, grapes, cherries and berries;

(f) Horticultural specialties, including, but not limited to, ornamental shrubs, trees and flowers; and

(g) Vegetables, including, but not limited to, tomatoes, snap beans, cabbage, carrots, beans, onions and sweet corn.

(2) The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished outside the public right-of-way.

(3) The term shall include the retail sale of seed and feed by the owner or occupant of agricultural land where such sales are secondary to other agricultural activities and there is no exterior evidence of such secondary use except farm dwellings or agricultural buildings.

**AGRICULTURAL FEED, MIXING AND BLENDING, SEED AND FERTILIZER SALES.** An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

**AGRICULTURAL INTERPRETATION.** Relating to, to act or concerning an instance to interpret, (to explain) agriculture as defined in Article 8.

**AGRICULTURAL OPERATION.** A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products

or poultry products, but not a facility primarily engaged in processing agricultural products. **AGRICULTURAL OPERATION** shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.

**AGRICULTURALLY-ORIENTED BUSINESS.** A business primarily engaged in processing and packaging of agricultural products; including farm equipment service and repair, but not sales of farm equipment.

**AIRPORT ELEVATION.** The established elevation of the highest point on the usable landing area which elevation is established to be 1,126 feet above mean sea level.

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**AIRPORT** or **HELIPORT.** Any land or structure which is used or intended for use for the landing and take-off of aircraft for commercial purposes and any such appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way. The Waseca Municipal Airport located in the east half of Section Fourteen (14), Township One Hundred Seven (107) North, Range Twenty-three (23), West of the 5th Principal Meridian, Waseca, Minnesota.

**AIRPORT HAZARD.** Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

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**ALLEY.** A public right-of-way which affords a secondary means of access to abutting property.

**ALTERATIONS.** Any enlargement; addition; relocation; change in a sign, by painting or otherwise; or other change in a facility, but excluding painting, except as provided above for signs; ordinary maintenance for which no building permit is required; and demolition or removal.

**ANIMAL CLINIC.** See **VETERINARY CLINIC.**

**ANIMAL FEEDLOT (FEEDLOT).** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry shall be considered to be **ANIMAL FEEDLOTS.** Pastures, animal mortality composting facility and rendering pick-up structures shall not be considered **ANIMAL FEEDLOTS** under these parts.

**ANIMAL MANURE.** Poultry, livestock or other animal excreta or mixture with feed, bedding, water or other materials.

**ANIMAL UNIT (A.U.).** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

**APARTMENT.** A room or suite of rooms in a multiple family dwelling designed for, intended for, or used as a residence for one family or individual and equipped with cooking facilities.

**APO.** The administrative penalty order issued pursuant to M.S. §§ 103F.48, Subd. 7 and 103B.101, Subd. 12a, as they may be amended from time to time.

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**AUTHORIZED REPRESENTATIVE (SUBSURFACE SANITARY TREATMENT SYSTEM OR SSTS).** An employee or agent of the County Public Health Services Department.

**AUTOMOBILE SERVICE STATION.** A retail place of business engaged primarily in the sale of motor fuels but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automobile accessories and replacement items, washing and lubrication services and the performance of automotive maintenance and repair.

**BASE FLOOD.** The flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.

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**BASE FLOOD ELEVATION (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.

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**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level. A **BASEMENT** shall be counted as a story if it has one-half or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

**BEDROOM.** Any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.

**BILLBOARD (SIGN-ADVERTISING).** A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located.

**BLUFF.** A topographic feature such as a hill, cliff or embankment meeting the following criteria:

~~(1) The slope rises at least 15 feet from the toe of the slope to the top of the slope; and~~

~~(2) The grade of the slope from the toe of the slope to the top of the slope averages 30% or greater.~~

(1) Part or all of the feature is located in a shoreland area;

(2) The slope must drain toward the waterbody;

(3) The slope rises at least 25 feet above the ordinary high water level; and

(4) 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, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff.

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**BLUFF IMPACT ZONE.** A bluff and land located within 20 feet from the top of a bluff.

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**BOARD OF ADJUSTMENT.** A quasi-judicial body with powers and duties as defined in the County Unified Development Code and M.S. § 394.27, as it may be amended from time to time.

**BOARD OF COUNTY COMMISSIONERS.** Waseca County Board of Commissioners.

**BOARDING HOUSE.** A building, other than a hotel or apartment building, where for compensation and by pre-arrangement for definite periods, lodging and/or meals are provided for three or more persons, exclusive of the resident family and is not subject to group care licensing requirements of the State Department of Health.

**BOARDING STABLE.** An establishment where horses are boarded and cared for, and where horses may be hired for riding.

**BOATHOUSE.** A structure designed and used solely for the storage of boats, boating equipment and recreational equipment.

**BOND.** Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the County Board. All **BONDS** shall be approved by the County Board whenever the bond is required by these regulations.

**BOULEVARD.** The portion of the street right-of-way between the curb or curb line and the property line.

**BREWERY.** A facility that produces for sale beer, ale or other beverages made from malt by fermentation and containing not less than 0.5% alcohol by volume.

**BUFFER (IN BUFFER CODE).** The meaning provided in M.S. § 103F.48, Subd. 1(c), as it may be amended from time to time.

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**BUFFER.** Areas or strips of land maintained in permanent vegetation designed for screening and/or to intercept pollutants from both surface and groundwater, which includes trees, shrubs and/or grasses.

**BUFFER PROTECTION MAP.** The meaning provided in M.S. § 103F.48, Subd. 1(d), as it may be amended from time to time and which are available on the Department of Natural Resources website.

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**BUILDING.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate **BUILDING**.

**BUILDING, AGRICULTURAL.** All buildings, other than dwellings, which are incidental to a farming operation.

**BUILDING, "EARTH SHELTERED".** Any building constructed so that more than 50% of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the local building code standards are satisfied. Partially completed buildings shall not be considered **EARTH SHELTERED**.

**BUILDING HEIGHT.** The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

**BUILDING, LOCAL GOVERNMENTAL** (also **LOCAL GOVERNMENT FACILITY**). A structure owned and operated by a local governmental agency for the purpose of performing a service of government or conducting a public service.

**BUILDING SETBACK LINE.** The line nearest the street and parallel to property boundary lines establishing the minimum open space to be provided between buildings and specified structures, street lines, property lines or the ordinary high water level and beyond which a structure may not extend.

**BUSBAR.** The starting point of the electric transmission system.

**BUSINESS.** A land use identified in the table of allowed and conditional uses within the categories of commercial recreation; commercial sales and service; other uses; and accessory uses and structures.

**BWSR.** The Board of Water and Soil Resources.

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**CAMPGROUND.** Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis, for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor homes or camping trailers and whether use of such accommodation is granted free of charge

or for compensation; provided, that nothing in this definition shall be construed to include children's camps, industrial camps, migrant labor camps, as defined in the state statutes and State Board of Health regulations, and also shall not include United States forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.

**CAMP, ORGANIZED GROUP.** Land or premises containing structures designed to be used for organized camping. The structures include bunk houses, tent platforms, mess halls and cooking facilities, and playfields.

**CEMETERY.** Land used or dedicated to the burial of the human dead, including mausoleums and maintenance facilities but excluding crematories.

**CERTIFICATE OF COMPLIANCE, FEEDLOT.** A document from the Agency or the County Feedlot Officer to the owner/operator of an animal feedlot stating that the feedlot meets Agency requirements. Certificates of compliance or feedlot permits shall be deemed county and state feedlot permits for the purposes of this ordinance. The use of this document was discontinued on October 23, 2000 by the MPCA and is no longer valid.

**CERTIFICATE OF COMPLIANCE, SSTS.** A document from a licensed sewage treatment inspector fully licensed by the state or a qualified employee, provided to the owner of property on which a dwelling is located which is required to have an individual sewage treatment system and to the Department of Public Health, certifying that the individual sewage treatment system is not a failing system nor an imminent threat to public health or safety, and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.

**CHANGE IN (THE) OPERATION.** An increase beyond the permitted maximum number of animal units, an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization or disposal of animal manure.

**CHANNEL.** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

**CLASS V INJECTION WELL.** A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The U.S. Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 C.F.R. parts 144 and 146).

**CLINIC.** A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

**CLUB.** A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**CLUSTER SYSTEM.** A SSTS under some form of common ownership that collects wastewater from three or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

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**COFFEE SHOP.** An informal restaurant primarily offering, coffee, tea and other beverages, and where light refreshments and limited menu meals may also be sold.

**COLD STORAGE PLANT.** A building used for the refrigeration of food or other perishable items for commercial purposes.

**CO-LOCATE COMMUNICATION or CELL TOWER.** To place one or more communication or cellular telephone towers on a single parcel of land or parcel of record.

**COMMERCIAL SPEECH.** Speech advertising a business, profession, commodity, service or entertainment.

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**COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

**COMMISSIONER.**

(1) In reference to regulating feedlots, Commissioner or Director means the Commissioner of the State Pollution Control Agency; or

(2) In reference to protecting natural resources the State Commissioner of Natural Resources.

(3) In reference to the Municipal airport, Commissioner means The Commissioner of the Minnesota Department of Transportation.

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**COMMUNICATION TOWER.** A tower measuring 70 to 150 feet or less in height for radio, television or telephone communications.

**COMMUNITY CENTER.** A building to be used as a place of meeting, recreation or social activity and not operated for profit unless as an accessory to a group care facility.

**COMMUNITY WATER SYSTEM.** A source of water and/or water distribution system serving two or more building lots with the design and construction of such systems as approved by the county and state.

**COMPLIANCE INSPECTION.** Any evaluation, investigation, inspection or other such process to make conclusions, recommendations or statements regarding an individual sewage treatment system to reasonably assure an individual sewage treatment system is in compliance as specified in Minnesota Rules, Chapter 7080.

**COMPOST (ANIMAL MORTALITY).** A humus-like product derived from the control microbial degradation of organic material. Only animal mortality that is being processed in accordance with § 6.06(H)(2)(e) of this ordinance and Minnesota Rules, Part 1721.0740 is compost.

**COMPOST (MANURE).** A humus-like product derived from the controlled microbial degradation of organic material. Only manure that has completed composting process as described in Minnesota Rules, Part 7020.2150 subpart 2 is compost.

**COMPREHENSIVE PLAN.** Unless otherwise stated, is the general plan for land use, transportation, natural resources and community facilities prepared and maintained by the Planning Commission.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO).** An animal feedlot meeting the definition of a CAFO in 40 C.F.R. § 122.23.

**CONDITIONAL USE.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this ordinance exist, the use or development conforms to the comprehensive land use plan of the community and the use is compatible with the existing neighborhood.

**CONDOMINIUM.** The ownership of single units in a multi-unit structure with common areas and facilities.

**CONFORMING USE.** In relation to the Airport Overlay District, conforming use is any structure, tree, or object of natural growth, or use of land that complies with all the applicable provisions of this ordinance or any amendment to this ordinance.

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**CONSERVATION EASEMENT.** A voluntary agreement negotiated between a landowner and a public agency or charitable conservation organization in which the landowner agrees to place specific restrictions on the use and development of his or her property.

**CONSERVATION SUBDIVISION.** An approach to land subdivision which is characterized by common open space and clustered lots.

**CONSTRUCTION SHORT FORM PERMIT.** A permit issued for an animal feedlot or manure storage area according to Minnesota Rules, Parts 7020.0505 and 7020.0535.

**CONTRACTOR.** An individual or company employed in the building trade or related businesses. **CONTRACTORS** include, but are not limited to, a general contractor, excavation contractor, landscaping or lawn care contractor, building contractor, to include electric, plumbing and heating contractor, demolition contractor, subsurface sewer treatment system installer or similar.

**CONTRACTOR'S YARD.** An establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials. A yard and/or building used by a general contractor, excavation contractor, landscaping or lawn care contractor, building contractor, to include electric, plumbing and heating contractor, demolition contractor, subsurface sewer treatment system installer or similar, where vehicles, equipment and materials are stored when not being used on a job site or where a contractor performs maintenance and repair on their own equipment. For the purposes of this definition, a **CONTRACTOR'S YARD** does not include assembly or manufacturing of products, or wholesale or retail sales or a temporary job construction site.

**CONVENTION CENTER.** A facility designed to accommodate 300 or more persons and used for conventions, conferences, seminars, product displays, social functions, entertainment events and food and beverage preparation and service for on-premise consumption.

**CONVENIENCE GAS AND GOODS SALES.** A place where gasoline, motor oil, lubricants or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

**CORRECTIVE ACTION.** Any action required by any Department to ensure compliance or conformance with this ordinance and state regulations.

**CORRECTIVE OR PROTECTIVE MEASURE.** A practice, structure, condition or combination thereof, which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with Agency rules.

**COUNTRY CLUB.** A club with recreational facilities for members, their families and invited guests.

**COUNTY.** Waseca County.

**COUNTY BOARD.** Includes the words "Board", "County Commissioners", the "Board of County Commissioners" or any other word or words meaning the "Waseca County Board of Commissioners".

**COUNTY ENGINEER.** The Waseca County Engineer.

**CUL-DE-SAC.** A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**CULTIVATION FARMING.** Farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.

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**DANCE HALL.** An establishment in which more than 10% of the total floor is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

**DAYCARE CENTER.** A facility that provides for non-medical care to children under 18 years of age in need of personal services, supervision or assistance on a less than 24-hour per day basis.

**DAYCARE, FAMILY.** A single-family, owner-occupied dwelling or unit where less than 24-hour per day, non-medical care and supervision is provided for six or fewer unrelated individuals, which does not exceed the limitation of a single-family unit.

**DAYCARE, GROUP FAMILY.** A single-family, owner-occupied dwelling or unit where less than 24-hour per day, non-medical care and supervision is provided for seven to 12 unrelated individuals.

**DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principle use or site and at any point extending more than three feet above ground.

**DENSITY.** The number of dwelling units permitted per net acre of land.

**DESIGN FLOW.** The daily volume of wastewater for which an SSTS is designed to treat and discharge.

**DESIGN STANDARDS.** The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indication among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

**DEVELOPMENT.** In the Floodplain Overlay District, development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials.

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**DISCHARGE.** The addition of a pollutant to waters of the state, including a release of animal manure, manure-contaminated runoff or process wastewater from an animal feedlot, a manure storage area or an animal manure land application site by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching or any other means. **DISCHARGE** includes both point and nonpoint source discharges.

**DISTILLERY.** A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin or other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

**DISTRICT.** Refers to the zoning districts identified in the Waseca County Unified Development Code.

**DITCH.** An earthen structure used to convey water to another area.

**DOMESTIC FERTILIZER.**

(1) Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or

(2) Animal manure that is used as compost, soil conditioners, or specialized plant beds.

**DRAINAGE AUTHORITY.** The meaning provided in M.S. § 103E.005, Subd. 9, as it may be amended from time to time.

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**DRIVING RANGE.** An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting, but excludes miniature golf courses.

**DWELLING.** A building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family units, but not including hotels, motels, boarding or lodging houses.

**DWELLING SITE.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**DWELLING UNIT.** One or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities and also includes rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

**DWELLING, MULTI-FAMILY.** A dwelling designed for or occupied by three or more families living independently of each other; the term includes townhouses as defined herein.

**DWELLING, SINGLE-FAMILY DETACHED.** A dwelling containing accommodations for and occupied by one family that does not share a common wall with another dwelling.

**DWELLING, TWO-FAMILY.** A dwelling designed exclusively for occupancy by two families living independently of each other.

**EASEMENT.** A grant by a property owner for the use of a specified part of the property by the public, a corporation or persons for specific purposes such as constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewers or storm drainageways and gas lines.

**ELECTRONIC MESSAGE CENTER SIGNS.** Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. **ELECTRONIC MESSAGE CENTERS** include two types:

(1) **COMPUTER CONTROLLED VARIABLE MESSAGE CENTER SIGNS.** Signs whose informational content can be changed or altered by means of computer-driven electronic impulses; and

(2) **FIXED MESSAGE ELECTRONIC MESSAGE SIGNS.** Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature and date.

**ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW).** A brief document, which is designed to set out the basic facts necessary to determine if an environmental impact statement is required for a proposed project.

**ENVIRONMENTAL IMPACT STATEMENT (EIS).** A thorough study of a project with potential for significant environmental impacts, including evaluation of alternatives and mitigation.

**ENVIRONMENTAL QUALITY BOARD (EQB).** The Minnesota Environmental Quality Board (EQB) is responsible for the EAW and EIS program. The **EQB** consists of the commissioners from various state government units and several appointed citizen members. The **EQB** is separate from the Minnesota Pollution Control Agency (MPCA).

**EROSION AND SEDIMENT CONTROL PLAN (ESC).** An ESC is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain

sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills and soil storage occur, and before final improvements are completed.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipe, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for the public health, safety, morals and general welfare, but not including buildings.

**ESTABLISHED DATE OF OPERATION.** For the purposes of this section, the established date of operation shall be the date on which the agricultural operation commenced.

**ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA (ERN-BUUA).**  
An area which, if it existed on or before January 1, 1978 shall be considered a conforming use that shall not be prohibited except as provided below in (E)(2)(e), Exemptions Established Residential Neighborhoods.

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**ETHYL ALCOHOL.** A colorless, flammable liquid produced by fermentation of sugars (CH<sub>3</sub> CH<sub>2</sub> OH).

**EVENT.** A company of persons gathered together at any location at any single time for any purpose.

**EVENT CENTER/INDOOR RECREATION FACILITY.** A facility located on land of five acres or larger that provides for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose rooms and may include a warming kitchen, that are available for use by various groups of less than 200 persons for such activities as indoor sports, such as racket ball, tennis or basketball, meetings, parties, weddings, receptions, and dances. Event center activities include such activities as graduations, anniversary parties, and holiday gatherings.

**EXCAVATIONS.** Any artificial excavation of the earth, within the county, dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth.

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**EXHIBIT HALL.** A facility designed to accommodate 300 or more persons and used for conventions, conferences, seminars, product displays, social functions and entertainment events.

**EXPANSION.** In reference to regulating feedlots, any change in a feedlot operation that results in an increase in animal units, or enlargement or addition of livestock buildings or manure storage structures.

**FACILITY.** A building or structure, often with accessory buildings or structures, that serve an expressed purpose.

**FAILURE TO PROTECT GROUNDWATER.** At a minimum, a SSTS that does not protect groundwater is considered to be a SSTS with less than the required vertical separation distance, described in Minnesota Rules, Part 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or an individual licensed pursuant to § 5.02(P) of this ordinance.

**FALL ZONE.** The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

**FAMILY.** Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit or a group of not more than four persons not so related maintaining a common household, as distinguished from a group occupying a boarding house, group home, lodging house, hotel, motel, club, fraternity or sorority house.

**FARM.** A tract of land 35 acres or more in size, which is principally used for agricultural activities such as the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, nursery stock, fruit, vegetables, forage, grains and bees. Such **FARM** may include farm dwellings and accessory buildings and structures necessary to the operation of the **FARM**. Slough, wasteland and woodland contiguous to or surrounded by agricultural land shall be considered agricultural in use if under the same ownership and management.

**FARM ENTERPRISE.** Commercial, educational, recreational or entertainment activities that are accessory to and operated in conjunction with agricultural uses. **FARM ENTERPRISES** include pick-your-own operations, processing and retail sales of farm products, farm tours, petting zoos, corn mazes, farm stays, retreat centers, horse shows and special events held in farm buildings or outdoors. This definition is distinct from “seasonal produce stand”, which is a more limited use.

**FARM WINERY.** A winery operated by the owner of a state farm and producing table, sparkling or fortified wines from grapes, grape juice, other fruit bases or honey with a majority of the ingredients grown or produced in the state.

**FARMING.** The business of cultivating land or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring for and harvesting the crops.

**FARMLAND.** Any land used in conjunction with a farming operation.

**FARMLAND, NON-PRODUCTIVE.** Land that cannot be farmed due to, but not limited to, the following conditions: excessive slope, wooded area, high water table, adverse topographical conditions and the like.

**FARMLAND, PRODUCTIVE.** Land on which a profitable crop can be grown and having a slope, soil and water table suitable for crop production. Land which is of soil classifications of Class I-II-III soils as rated in the “Soil Survey-Waseca County” by the United States Department of Agriculture, Soil Conservation Service shall be considered to be productive farmland.

**FARMSTEAD.** The area which includes the farm dwelling and other buildings in close proximity to the farm dwelling for management, storage, livestock and the like for a farming operation.

**FEEDER LINE.** Power lines that transport electrical power from one or more wind turbines to the point of interconnection with a high voltage transmission line.

**FEEDLOT (NEW).** A feedlot constructed and operated at a site where no feedlot existed previously or where a pre-existing feedlot has been abandoned or unused for a period of five years.

**FEEDLOT OFFICER.** The county employee who is knowledgeable in agriculture, designated by the County Board to receive and process feedlot permits and applications, and identified by the MPCA as the Feedlot Pollution Control Officer.

**FEEDLOT OPERATOR.** An individual, corporation, group of individuals, partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

**FEEDLOT RUNOFF.** The movement of water from a feedlot, either in the form of rainfall, snow, or as water from a waterway, ditch and the like, passing through a feedlot, carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

**FISH HATCHERY.** An establishment or premises used for the cultivation of fish or other aquatic or marine life for commercial, recreational or educational purposes.

**FLEA MARKET.** An outdoor commercial activity, not including shopping centers or individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the general public and used for the sale of merchandise by five vendors or more.

~~**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.~~

**FLOOD FRINGE.** The portion of the floodplain outside of the floodway.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

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**FLOOD INSURANCE STUDY (FIS).** The study referenced in Section 3.2, which is an examination, evaluation, and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

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**FLOODPLAIN.** The channel or beds proper and the areas adjoining a wetland, lake or watercourse, which have been, or hereafter may be covered by the regional flood. **FLOODPLAIN** areas within the county shall encompass all areas designated as Zone A on the flood insurance rate map.

**FLOODPROOFING.** A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

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~~**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.~~

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

**FOREST PRESERVE, NATURE PRESERVE.** Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

**FORESTRY.** The use and management including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings and fences.

**FRONTAGE.** All the property fronting on one side of a street between the nearest intersecting street or between a street and a right-of-way, waterway or other similar barrier.

**GAME ARCADE.** Any commercial building in which there are more than three amusement game machines on the premise which are available to the public. An **ARCADE** may contain commercial recreational machines or games other than amusement game machines.

***GARAGE, PRIVATE.*** An accessory building designed for or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory, and in which no business service or industry is conducted.

***GARAGE, REPAIR.*** A building or space for the maintenance of vehicles but not including auto wrecking or junk yards.

***GARAGE, TRUCK.*** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half tons capacity.

***GIS.*** Geographic information systems; land use and natural resource mapping technology.

***GO-CART TRACK.*** A course designed for the operation of open-wheeled motorized vehicles with an engine displacement of no greater than 100cc.

***GOLF COURSE.*** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards; may include a clubhouse and shelters as accessory uses.

***GOLF COURSE, MINIATURE.*** A theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a cup or a hole where patrons pay to play.

***GOVERNING BODY.*** The Waseca Board of County Commissioners.

***GOVERNMENTAL AGENCY, LOCAL.*** Any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns and counties and their legislative bodies.

***GOVERNMENT SIGN.*** A sign that is erected or maintained by a governmental unit.

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***GRADE.*** The slope of a road, street or other public way, specified in percentage terms.

***GRAIN ELEVATORS/STORAGE STRUCTURES.*** Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

***GREENHOUSE, NURSERY, TREE FARM.*** Land, buildings, structures or combinations thereof for the storage, cultivation and transporting of live trees, shrubs or plants, a portion of which are offered for retail sale on the premises, and including products used for gardening and landscaping.

***GREENHOUSE (COMMERCIAL), GARDEN STORE.*** Land, buildings, structures or combinations thereof for the storage, cultivation and transporting of live trees, shrubs or plants, a portion of which are offered for retail sale on the premises, and including products used for gardening and landscaping.

***GROUNDWATER.*** Water contained below the surface of the earth in a saturated zone.

***GROUP CARE FACILITY.*** A home designed and licensed to provide care for persons requiring or receiving personal care or custodial care complying with the standards established by the State Board of Health.

***GROUP HOME.*** A home designed and licensed to provide care for persons requiring or receiving personal care or custodial care complying with the standards established by the State Board of Health.

***GUEST COTTAGE.*** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

***HARDSHIP.*** As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the

variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a **HARDSHIP** if reasonable use for the property exists under the terms of this ordinance. No variance shall be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

**HEALTH CLUB.** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary recreational activities.

**HEIGHT.** For the purpose of determining the height limits in all zones set forth in the airport overlay district standards and shown on the airport zoning map, the datum shall be mean sea level elevation unless otherwise specified.

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**HIGH-VOLTAGE TRANSMISSION LINE.** A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.

**HIGHWAY.** Any public road, thoroughfare or vehicular right-of-way with a federal, state or county numerical route designation.

**HIGHWAY MAINTENANCE SHOP.** A government facility or temporary construction area used for the storage of equipment and materials related to maintaining or constructing public highways and rights-of-way.

**HOME OCCUPATION.** Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling place and which does not change the character thereof or have any exterior evidence of such secondary use.

**HOUSING, TEMPORARY WORKER.** Any living quarters permanently maintained for employees to occupy on a seasonal basis for not more than six months per year.

**HUNTING CLUB.** Buildings and facilities owned and operated by a corporation, association or persons dedicated to recreational hunting.

**HUNTING PRESERVE.** Any commercial venture on private property where game animals are hunted, both in and out of designated hunting seasons, but not including the renting of land by its owner to a private person or party for the exclusive use of the land for hunting during a designated hunting season. A **HUNTING PRESERVE** does not include a hunting lodge or other residential use.

**HUNTING SHACK.** A primitive structure with no utilities or indoor plumbing utilized for short-term habitation and enjoyment of the natural environment.

**IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY.** At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches or stormwater drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; a seepage pit, cesspool, drywell, leaching pit or other pit; or sewage tanks with unsecured, damaged or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a qualified employee or a SSTS inspection business licensed pursuant to Article 5 hereof.

**IMPROVEMENTS.** Any on-site sewage system, water system, drainage system, streets, fence, gate, wall, landscaping or other facility which constitutes a physical betterment to real property.

**INCORPORATED.** In reference to regulating feedlots, when manure is surface applied and mixed into the soil within 24 hours of application.

**INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

**INDUSTRY.** A land use identified in the Table of Allowed and Conditional Uses within the categories of Agricultural, Natural Resources and Related and Industrial.

**INDUSTRIAL WASTE.** Sewage containing waste from activities other than sanitary waste from industrial activities including, but not limited to, the following uses defined under the Standard Industrial Classification (SIC) Codes established by the U.S. Office of Management and Budget.

<b>SIC Code(s)</b>	<b>Industry Category</b>
<b>SIC Code(s)</b>	<b>Industry Category</b>
753-7549	Automotive Repairs and Services
72,317,241	Beauty Shops, Barber Shops
7211-7219	Laundry Cleaning and Garment Services
4011-4581	Transportation (Maintenance only)
8062-8069	Hospitals
2000-3999	Manufacturing
2000-2099	Food Products
2100-2199	Tobacco Products
2400-2499	Lumber and Wood Products, except Furniture
2500-2599	Furniture and Fixtures
2600-2699	Paper and Allied Products
2700-2799	Printing, Publishing and Allied Industries
2800-2899	Chemicals and Allied Products
2900-2999	Petroleum Refining and Related Industries
3000-3099	Rubber and Miscellaneous Plastics

3100-3199	Leather Tanning and Finishing
3200-3299	Stone, Clay, Glass and Concrete Products
3300-3399	Primary Metal Industries
3400-3499	Fabricated Metal Products (except machinery, and transportation equipment)
3500-3599	Industrial and Commercial Machinery and Computer Equipment
3700-3799	Transportation Equipment
3800-3899	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks
3900-3999	Miscellaneous Manufacturing Industries

**INDUSTRIAL WASTEWATER TREATMENT FACILITY.** A facility, not located on the same parcel where the wastewater is generated, which is used to remove from industrial process wastewater, any harmful chemicals, compounds, nutrients, organics, solids or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil.

**INJECTED.** When manure is mechanically implanted or tilled into the soil during the manure application.

**INSPECTOR, SSTS.** An individual qualified to review proposed plans and inspect SSTS and who meets the licensure and registration requirements of the State Pollution Control Agency.

**INTENSIVE VEGETATION CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

**INTERIM PERMIT.** A permit issued for a feedlot by the Agency or the County Feedlot Officer, which expires no longer than 24 months from the date of issuance, that identifies the necessary corrective measures to abate potential pollution hazards and is in accordance with Minnesota Rules, Parts 7020.0505 and 7020.0535.

**INTERMITTENT STREAMS.** Intermittent streams are those runoff channels with definable banks deep enough to restrict ordinary tillage practices from crossing the channel. These channels provide for water flow to perennial streams, lakes or wetlands during snowmelt or rainfall events.

**KENNEL.** Any structure or premises where three or more dogs, cats or combination of both over four months of age are boarded, bred or offered for sale.

**LANDFILL, SANITARY.** A state licensed site used for disposing of solid wastes, including organic materials such as garbage in an excavation and covered daily with earth in accordance with County Board of Health regulations and applicable state regulations.

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***LANDING AREA.*** The area of the airport used for the landing, taking off or taxiing of aircraft.

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***LANDOWNER (IN BUFFER CODE).*** The holder of the fee title, the holder's agents or assigns, any lessee, licensee, or operator of the real property and includes all land occupiers as defined by M.S. § 103F.401, Subd. 7, as it may be amended from time to time or any other party conducting farming activities on or exercising control over the real property.

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***LAUNDRY.*** A business that provides a service to wash, dry or dry clean clothing or other fabrics for patrons.

***LAUNDROMAT.*** A facility where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

***LIBRARY.*** A public facility for the use, but not the sale, of literary, musical, artistic or reference materials.

***LICENSED RESIDENTIAL PROGRAM.*** Shall have the meaning given in M.S. § 245A.02, Subdivision 14, as it may be amended from time to time, or successor statutes.

***LIQUOR LICENSE.*** Any of the following licenses issued or approved by the county pursuant to M.S. Chapter 340A, as it may be amended from time to time:

- (1) On-sale or off-sale 3.2% malt liquor license;
- (2) On-sale or off-sale intoxicating liquor license;
- (3) On-sale wine license; or
- (4) Consumption and display permit (set-ups).

***LICENSED ENGINEER.*** A person licensed as a professional engineer by the state.

***LIVESTOCK SALES BARN.*** A commercial establishment where livestock is collected for sale or auctioning.

***LIVING CENTER, ASSISTED.*** A home designed and licensed to provide care for the aged or infirmed persons requiring or receiving personal care or custodial care complying with the standards established by the State Board of Health.

***LOCAL WATER MANAGEMENT AUTHORITY (IN BUFFER CODE).*** The meaning provided in M.S. § 103F.48, Subd. 1(g), as it may be amended from time to time.

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***LOT.*** A parcel, piece or portion of land abutting a private or public street, designated by metes and bounds, registered land survey, auditor's plat or other means and separated from other parcels or portions by the description for the purpose of sale, lease or separation thereof.

***LOT, AREA.*** The area located within the lot lines and not including that portion of the platted lot which is presently being used as or dedicated for street or public right-of-way.

***LOT, CORNER.*** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

***LOT COVERAGE.*** The total allowable amount of lot area, expressed as a percentage, which may be covered by a principal building and its accessory structures, excluding projecting roof eaves.

***LOT DEPTH.*** The mean horizontal distance between the front lot line and the rear lot line.

**LOT, DOUBLE FRONTAGE.** A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

**LOT, FRONTAGE.** See **LOT LINE, FRONT.**

**LOT, INTERIOR.** A lot other than a corner lot; including through lots.

**LOT LINE.** The line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

**LOT LINE, FRONT.** The boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a nonresidential area shall be deemed to have frontage on both sides.

**LOT LINE, REAR.** The boundary of a lot which is opposite the front lot line, except that where the rear lot line is less than ten (10) feet in length or irregularly shaped, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and most distant from the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD.** A platted lot or metes and bounds parcel which has been recorded in the office of the County Register of Deeds prior to the effective date of this ordinance.

**LOT, PANHANDLE.** A lot that does not front on a street and has access through a narrow strip of land or an easement. The handle or access of a **PANHANDLE LOT** is defined as “that portion of a panhandle lot that is 50 feet or less in width”.

**LOT, THROUGH.** Any lot other than a corner lot which abuts more than one street

**LOT WIDTH.** The shortest horizontal distance between the side lot lines of a lot measured parallel to the front line of the lot at the setback line.

**LOW DENSITY RESIDENTIAL STRUCTURE.** ~~In the airport overlay district standard, A low density residential structure is a single-family or two-family home.~~

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**LOW DENSITY RESIDENTIAL LOT.** ~~In the airport overlay district standard, A low density residential structure is a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.~~

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**LOWEST FLOOR.** ~~The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.~~

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**LUMBER YARD.** An area used for the storage, distribution and sale of finished or rough-cut lumber and lumber products, but not the manufacture or processing of lumber products.

**MALFUNCTION.** The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

**MALT LIQUOR.** Any beer, ale or other beverage made from malt by fermentation and containing not less than 0.5% alcohol by volume.

**MANAGEMENT PLAN.** A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment and testing, and the frequency of each to

ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

**MANUFACTURE, FERTILIZER.** A commercial operation for the processing or production of chemicals or other manufactured additives for agricultural or horticultural use.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. All **MANUFACTURED HOMES** shall bear a state seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes build between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date a Federal Seal in accordance with HUD 24 C.F.R. part 3280, Construction Standards. The term “manufactured home” does not include the term “recreational vehicle.”

**MANUFACTURED HOME PARK.** Any site, lot, field or tract of land upon which three or more manufactured homes having a width of less than 20 feet are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such **MANUFACTURED HOME PARK**. The term **MANUFACTURED HOME PARK** shall not be construed to include trailers, buildings, tents or other structures temporarily maintained by any individual or company on premises associated with a work project and used exclusively to house labor or other personnel employed in such work project.

**MANUFACTURING, GENERAL.** The processing and manufacturing of materials or products predominantly from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor storage or processing and incidental storage, sales and distribution of the products.

**MANUFACTURING, LIMITED.** All uses which include the compounding, processing, packaging, treatment, or assembly of predominantly previously prepared materials and products into finished products. These uses will not generate objectionable influences that extend beyond the lot on which the use is located and include incidental storage, sales and distribution of the products.

**MANUFACTURING, NATURAL RESOURCE (ALSO: PROCESSING, NATURAL RESOURCE).** All uses that may be conducted in an enclosed area which include the compounding, processing, packaging, treatment or assembly of predominantly natural indigenous materials and products into products

**MANURE MANAGEMENT PLAN.** A plan which describes manure application and utilization techniques.

**MANURE STORAGE AREA.** An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Short-term and permanent stockpile sites and composting sites are **MANURE STORAGE AREAS**. Animal manure packs or mounding within the animal feedlot that are managed according to Minnesota Rules 7020.2000, subpart 3 shall not be considered to be **MANURE STORAGE AREAS**.

**MANURE STORAGE STRUCTURE.** A structure where feedlot runoff, manure effluent or other diluted animal waste is stored or treated, including, but not limited to, earthen manure storage basins, earthen lagoons and concrete or glass lined storage.

**MANURE, LIQUID.** Manure that contains less than 15% solid content.

**MANURE, SOLID.** Manure which has at least a 15% solid content and contains added fibrous material excluding mineral solids.

**MEMORIAL GARDEN.** Land used or dedicated to the burial of the dead, including mausoleums and maintenance facilities, but excluding crematories.

**METEOROLOGICAL TOWER.** In reference to regulating wind energy conversion systems, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. **METEOROLOGICAL TOWERS** do not include towers and equipment used by airports, the State Department of Transportation, or other similar applications to monitor weather conditions.

**METES AND BOUNDS.** A method of property description by means of their direction and distance from an easily identifiable point.

**MICRO-DISTILLERY.** A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin or other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use not to exceed 40,000 proof-gallons per calendar year.

**MINERAL EXTRACTION.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

**MINING.** The extraction of sand, gravel, rock, soil or other material from the land in the amount of 500 cubic yards or more and the removal thereof from the site without processing. It does not include:

- (1) Excavations or extractions ancillary to the construction of any permitted building, structure or within a road right-of-way; or
- (2) Excavations for the sole purpose of impounding water for agricultural, wildlife ponds, approved stormwater management ponds, erosion control or public utility purposes.

**MINOR.** Person(s) under 18 years of age.

**MINOR REPAIR.** The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

**MODIFICATION.** Any changes in the feedlot operation that do not result in an increase in animal numbers.

**MOTEL, HOTEL.** A building or group of buildings used primarily for the temporary residence of motorists or travelers.

**MOTOR FREIGHT TERMINAL.** A building or area in which freight brought by truck is transferred and/or stored for movement.

**MOTORSPORTS, ORGANIZED.** The operation of motorized vehicles on tracks or trails (not including other vehicle racing, tracks or events).

**MUSEUM.** An establishment for preserving or exhibiting artistic, historical, scientific, natural or human-made objects of interest.

**MPCA.** Minnesota Pollution Control Agency.

**MSTS.** A “mid-sized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

**NAMEPLATE SIGN.** A sign including postal identification numbers, whether written or in number form, and, optionally, the name of the building or building occupant.

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**NATURAL RESOURCE MANUFACTURING, PROCESSING.** All uses that may be conducted in an enclosed area which include the compounding, processing, packaging, treatment or assembly of predominantly natural indigenous materials and products into products.

**NON-COMMERCIAL SPEECH.** Dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

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**NONCONFORMING LOT.** Any lot which does not comply with the minimum lot size requirements of the district in which it is located and which lawfully existed on the effective date of this ordinance.

**NONCONFORMING USE.** Any use of land or structures which does not conform to the use restrictions for the district in which it is located and which lawfully existed prior to the effective date of this ordinance or on the date the use became nonconforming because of rezoning of the property or amendment to the text of this ordinance. In the Airport Overlay District, a non-conforming use is any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of airport ordinance or an amendment hereto.

**NONPRECISION INSTRUMENT RUNWAY.** A runway having an existing or planned straight in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

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**NON-RESIDENTIAL PROPERTY.** Property not classified as residential property.

**NOTICE TO PROCEED.** Any notice from a governmental agency authorizing the commencement of work or construction on a project.

**NOTICE OF NONCOMPLIANCE.** A written document issued by the Public Health Services or a business licensed by the MPCA for inspection notifying a system owner that the owner’s on-site/cluster treatment system has been observed to be noncompliant with the requirements of this ordinance.

**NORMAL WATER LEVEL (IN BUFFER CODE).** The level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis

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**NOXIOUS MATTER.** Material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well being of individuals.

**NPDES.** National Pollutant Discharge Elimination System/SDS State Disposal System permit is a permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources, including concentrated animal feedlot operations.

**NRCS.** Natural Resources Conservation Service.

**NURSERY, TREE FARM.** Land, buildings, structures or combinations thereof for the storage, cultivation, sales and transporting of live trees, shrubs, or plants.

**NURSING HOME.** A home designed and licensed to provide care for the aged or infirmed persons requiring or receiving personal care or custodial care complying with the standards established by the State Board of Health.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across or projecting into any channel, watercourse, lakebed or regulatory floodplain which may impede, retard or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.

**OCCUPANCY.** The placement into service or the authorization of the use of a property or structure allowed under the Unified Development Code or authorized by a county permit.

**OFFICE, PROFESSIONAL OR MEDICAL.** Nonresidential space that is used primarily by individuals and supporting staff involved in a recognized or certified professional or medical occupational field.

**OFFICE, OTHER THAN PROFESSIONAL OR MEDICAL.** Nonresidential space that is used primarily for administrative, clerical or similar general office activities.

**OFFICE SERVICES.** A retail establishment that provides materials and services used to perform professional, medical and other office operations. These may include duplicating services using photocopying, blueprint and offset printing equipment, the collating and binding of booklets and reports and the sale of office supplies.

**OFFICIAL MAP.** The map established by the County Board, in accordance with state statutes, showing streets, highways and parks and drainage, both existing and proposed; the **WASECA COUNTY ZONING MAP** adopted by the County Board.

**OFF-SITE SIGN.** A sign, including the supporting sign structure, that contains commercial speech and advertises a business, commodity, or service that is not necessarily located, offered, or performed on the premises on which the sign is located; commonly known as a “billboard.”

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**ON-SITE SIGN.** A sign that contains commercial speech which pertains to the use of the premises and/or property on which it is located.

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**OPEN SALES LOT.** Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

**ORDINARY HIGH WATER LEVEL (OHWL).** The boundary of public waters and wetlands, which shall be an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the **ORDINARY HIGH WATER LEVEL** shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

**OTHER THAN UTILITY RUNWAY.** A runway that is constructed for and intended to be used by jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or is 4,900 feet or more in length

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**OUTLOT.** A “non-buildable” parcel or a parcel reserved for future development or future subdivision.

**OWNER.** Any individual, firm, partnership, trust, corporation, company, association, organization, syndicate or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this ordinance, or the owner of record.

**OUTDOOR DISPLAY.** The placement of items in an exterior unenclosed place. These items include, but are not limited to: merchandise for sale or rent; materials awaiting servicing, processing or manufacturing; finished products of a servicing, processing or manufacturing operation; equipment; portable storage containers but excluding trash containers or garbage dumpsters that are accessory to the main use; and automobiles, trucks, automobile trailers, semi-trailers, intermodal cargo containers or other vehicles not used for more than five days.

**PAINTBALL COURSE.** An area that is designed and used for any game or event that involves using guns or devices that shoot capsules of paint or dye.

**PARCEL.** A piece of land having its own dimensions, as described by plat, metes and bounds, or by reference to a section or partial section and recorded with the County Recorder as the property of a person.

**PARKING SPACE.** A surfaced and maintained area for the storage of one standard automobile conforming to typical parking standards.

**PARKING FACILITY.** All areas, spaces and structures designed, used, required or intended to be used for the parking of more than three motor vehicles.

**PARK.** Areas of land owned by a state, county, city or township and designated for public recreational use.

**PARTIAL CONFINEMENT FEEDLOT BUILDING.** Livestock inside a feedlot building and outside a feedlot building in a feedlot confinement area.

**PASTURES.** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

**PEDESTRIAN WAY.** A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

**PERMANENT STOCKPILING SITE.** A manure storage area where manure is stored or processed that does not meet the requirements of Minnesota Rules, Part 7020.2125 subpart 2.

**PERMIT, (FEEDLOT) COUNTY.** A document issued by the county animal feedlot pollution control officer which may contain requirements, conditions or schedules for achieving compliance with the discharge standards and requirements for management of animal manure construction or operation of animal holding areas or manure storage areas.

**PERMIT, (FEEDLOT) STATE.** A document issued by the Agency which may contain requirements, conditions or schedules for achieving compliance with the discharge standards and requirements for management of animal manure construction or operation of animal holding areas or manure storage areas.

**PERSON.** Any individual, firm, partnership, trust, corporation, company, association, organization, joint stock association or political subdivision; including any executor, administrator, trustee, receiver, assignee or other similar representative thereof.

**PLANNED.** Only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, Minnesota Department of Transportation Office of Aeronautics and the City of Waseca.

**PLANNING COMMISSION.** The County Planning Commission duly appointed by the County Board with powers and duties as defined in the County Unified Development Code.

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**PLAT, FINAL.** A drawing in final form, showing a proposed subdivision or site plan containing all information and details required by state statute and by County Board, and which if approved, may be duly filed with the County Recorder.

**PLAT, PRELIMINARY.** A drawing clearly marked “preliminary plat” showing the salient features of a proposed subdivision.

**POLICE RELATED SERVICE CALLS.** Requests for assistance made to any public law enforcement agency from a neighboring resident, a victim of crime, a patron of the establishment or the management of the adult use. Such calls may include but are not limited to: assaults; disorderly conduct; indecent exposure; prostitution; and trespassing.

**POTENTIAL POLLUTION HAZARD.** An animal feedlot or manure storage area that:

(1) Does not comply with the requirements of Minnesota Rules, Parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or

(2) Presents a potential or immediate source of pollution to waters of the state as determined by inspection by the County Feedlot Officer, taking into consideration the following:

- (a) The size of the animal feedlot or manure storage area;
- (b) The amount of pollutants reaching or that may reach waters of the state;
- (c) The location of the animal feedlot or manure storage area relative to waters of the state;
- (d) The means of conveyance of animal manure or process wastewater into waters of the state; and
- (e) The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

**POWER PURCHASE AGREEMENT.** A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

**PRECISION INSTRUMENT RUNWAY.** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

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**PREMISES SAMPLING ROOM.** An area in a micro-distillery or farm winery that is used for the sampling of ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, that are produced for nonindustrial use. Current state statute permits the sampling of up to individual 15 mL samples, and no more than a total of 45 mL, or approximately 1.52 ounce of samples per person in one day.

**PROTECTIVE COVENANTS.** Contracts made between private parties as to the manner in which land may be used.

**PUBLIC DRAINAGE SYSTEM.** The meaning given to “drainage system” in M.S. § 103E.005, Subd. 12, as it may be amended from time to time.

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**PUBLIC LAND.** Land owned and/or operated by a governmental unit.

**PUBLIC WATERS.** Those lakes, streams and wetlands within the definition of “public waters” as defined by Minnesota Rules, Chapter 6120, as amended.

**PUBLIC WELL.** As regulated by Minnesota Rules, Chapter 4720, and as administered by the State Department of Health.

**QUALIFIED EMPLOYEE.** An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps or inspects SSTS as part of the individual’s employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

**QUARRY.** Any pit or excavation made for the purpose of searching for or removing any soil, earth, clay, sand, gravel, limestone or other non-metallic minerals.

**RAILROAD RIGHT-OF-WAY (NOT INCLUDING RAILROAD YARD).** An area owned or leased by a railroad company, but not including railroad stations, sidings, team tracks, loading facilities, docks, yard or maintenance areas

**RECORD DRAWINGS.** A set of drawings which to the fullest extent possible document the final in-place location, size and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system, along with a certified statement from the licensed representative which state that the system was installed in accordance with all rules and regulations, including this section.

**RECREATION, WATER-ORIENTED COMMERCIAL.** The principal use of land or buildings in a Shoreland District for the sale, lease, rental or trade of products, goods and services that relate to a nearby body of water and could not be effective if operated away from a body of water. Examples include: fishing and bait shops; and boat and canoe rentals.

**RECREATIONAL CAMPING AREA.** Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis, for the accommodation of less than five units, consisting of tents, travel trailers, pick-up coaches, motor homes or camping trailers and whether use of such accommodation is granted free of charge or for compensation; provided, that nothing in this definition shall be construed to include children's camps, industrial camps, migrant labor camps, as defined in the state statutes and State Board of Health regulations, and also shall not include United States forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purpose of the floodplain ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

~~—(1) Built on a single chassis;~~

~~—(2) Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~—(3) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.~~

**RECYCLING FACILITY.** A site in which waste or materials which otherwise become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling includes, but is not limited to, the composting of yard waste which has been previously separated from other waste and collected by a sanitary facility, but does not include any form of energy recovery.

**REGIONAL FLOOD.** A flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD** used in the flood insurance rate map.

**REPAIR SERVICES.** Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

**REGULATORY FLOOD PROTECTION ELEVATION.** An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

**RELIGIOUS INSTITUTION.** A church or place of worship or religious assembly with related facilities such as a rectory, convent, private school, meeting hall, administrative offices, licensed adult or child daycare and the like.

**RESIDENCE.** Any permanently located building or part thereof designed and primarily used for human habitation. Unless actually being lived in, an unoccupied structure would have to be a structure that could reasonably be presumed to be a place capable of being lived in, in present condition. Consideration will be given to the presence of an operational septic system, water, electricity or other accessory utilities in the determination of a **RESIDENCE**.

**RESIDENTIAL PROPERTY.** A parcel containing a dwelling or residence, as those terms are defined in this section. When a parcel qualifying as residential property includes farmland or land used for agriculture that surrounds the dwelling or residence, the portion of the parcel considered to be residential property shall be one acre surrounding the dwelling.

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**RESTAURANT.** An establishment serving food to be consumed primarily while seated at tables or booths within a building or outdoor patio and which has no on-sale liquor service.

**RESTAURANT (DRIVE-IN).** A building and adjoining parking are used for the purpose of furnishing food, soft drinks and ice cream to the public normally for consumption outside the confines of the principal building, or in vehicles parked upon the premises.

**RETAIL SALES ESTABLISHMENT.** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**RETREAT CENTER.** A grouping of structures that are rented along with a separate cooking facility to the public for compensation and catering primarily to provide a location for group meetings, educational gatherings and social events up to 50 people within both existing residential units or commercial structures.

**RETREAT HOUSE.** A single-family dwelling occupied in such a manner that certain rooms in excess of those that may be used by members of the family and occupied as a home or family unit, are rented along with cooking facilities, to the public for compensation and catering primarily to provide a location for small group meetings, educational gatherings and events with fewer than 20 people within an existing residential unit.



**SEWAGE.** Any water-carried domestic waste, exclusive of footing and roof drainage, chemically treated hot tub or pool water, and water softener discharge, from any industrial, agricultural or commercial establishment, or any dwelling or any other structure. **DOMESTIC WASTE** includes liquid waste produced by toilets, bathing, laundry, culinary operations and the floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes. Animal waste, commercial and industrial waste is not considered **DOMESTIC WASTE**.

**SEWAGE TREATMENT SYSTEM.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in §§ [5.02](#) and [5.03](#).

**SEWER SYSTEM.** Pipelines or conduits, pumping stations and force main, and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

**SHOOTING RANGE.** An outdoor or indoor facility that may include buildings or structures used for target practice with firearms.

**SHOPPING CENTER.** A group of commercial establishments planned, constructed and managed as a total entity with off-street parking.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

**SHORELAND.**

(1) Land located within the following distances from public waters: 1,000 feet from the normal high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extension of a floodplain designated by ordinance on such a river or stream, whichever is greater.

(2) The practical limits of **SHORELANDS** may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

**SHORT-TERM STOCKPILING SITE.** A manure storage area where manure is stored or processed according Minnesota Rules, Part 7020.2000, subpart 3.

**SIGN (IN SIGN REGULATION).** Any device, structure, fixture, or placard using graphic symbols, and/or written copy displayed for communicative or informational purposes and visible to members of the public who are not on the premises on which the device is located, including any structure erected primarily for use in connection with the display on such device and all lighting or other attachments used in connection.

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**SIGN.** A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business. Warning signs or public identification signs such as street signs shall be exempt from these regulations when under two square feet in size.

**SIGN, ADVERTISING.** See **BILLBOARD**.

**SIGN, BUSINESS.** A sign that directs attention to a business or profession or a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

**SIGN, FLASHING.** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times where such sign is in use.

**SIGN, GROSS AREA OF.** The area within the frame shall be used to calculate the gross area except that the width of the frame in excess of 12 inches shall be added thereto. When letters or graphics are mounted without a frame, the **GROSS AREA** shall be bounded by straight lines six inches beyond the periphery of the letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign.

**SIGN, ILLUMINATED.** Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign.

**SIGN, MARQUEE.** Any sign affixed to any hood, marquee or canopy over the entrance to a building.

**SIGN, NAMEPLATE.** Any sign that indicates the name and address of a building or the name of the occupant thereof and the practice of a permitted occupation therein.

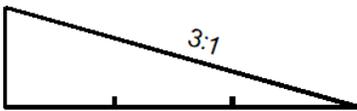
**SIGN, PYLON.** A freestanding sign erected upon a single pylon or post which is in excess of ten (10) feet in height with the sign mounted on the top thereof.

**SIGN, ROTATING.** A sign which revolves or rotates on its axis by mechanical means.

**SKATING RINK.** An establishment that provides facilities for participant skating.

**SLOPE.** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

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**SOIL, HIGHLY ERODIBLE.** A soil type with a Kw factor in excess of .34.

**SOLAR ENERGY SYSTEMS.**

(1) **ACCESSORY.** A solar panel or array mounted on a building, pole or rack that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the majority of the energy needs of the primary use.

(2) **SOLAR FARMS.** A solar array composed of multiple solar panels on ground-mounted rack or poles which is the primary land use for the parcel on which it is located and that are connected to the electric grid.

**SMALL BREWERY.** A brewery that produces no more than 20,000 barrels of malt liquor in a calendar year.

**SPECIAL PROTECTION AREA.** Land within 300 feet of all:

(1) Protected waters and protected wetlands as identified on Department of Natural Resources protected waters and wetland maps; and

(2) Intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams, which are, grassed waterways.

**SPECIFIED ANATOMICAL AREAS.**

- (1) Human genitals, pubic region, buttock, anus or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered; and
- (2) Erect penis, even if completely and opaquely covered.

***SPECIFIED SEXUAL ACTIVITIES.***

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty;
- (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast(s);
- (5) Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons;
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; and
- (7) Human erection, urination, menstruation, vaginal or anal irrigation.

***SSTS.*** Sub-surface Sewage Treatment System including an ISTS, MSTS or LSTS.

***STATE DISPOSAL SYSTEM PERMIT*** or ***SDS PERMIT.*** A state permit that may be processed in accordance with Minnesota Rules, Parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110.

***STATE.*** The State of Minnesota.

***STEEP SLOPE.*** ~~Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, ***STEEP SLOPES*** are lands having average slopes over 20% as measured over horizontal distances of 50 feet or more that are not bluffs. Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs~~

***STORY.*** The portion of a building between the surface of a floor and the surface of the floor above it; or if there is no floor above, the space between the floor and ceiling above.

***STORAGE, BULK.*** The storage of chemicals, petroleum products or hazardous materials in above ground or below ground storage container designed for wholesale distribution or mass consumption.

***STORAGE, OUTDOOR.*** The storage of materials, merchandise, equipment and products outside, but not fully enclosed by, the principal or accessory buildings on a property for more than 96 hours. ***OUTSIDE STORAGE*** does not involve any product representation or signage except for emergency or safety-related signs.

**STREET.** A public right-of-way affording primary access by pedestrian or vehicles, or both, to abutting properties whether such right-of-way is designated as a street, highway, thoroughfare, parkway, road, avenue or boulevard.

**STREET, COLLECTOR.** A street which serves, or is designated to serve, as a traffic-way for a neighborhood or as a feeder to a major street.

**STREET, CUL-DE-SAC.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**STREET, MAJOR OR THOROUGHFARE.** A street which serves, or is designed to serve, heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**STREET, MAJOR TOWNSHIP.** A street under township jurisdiction which is generally considered a major traffic carrier.

**STREET, LOCAL.** A street intended to serve primarily as an access to abutting properties.

**STREET, PRIVATE.** A street which is not dedicated to the community for public use.

**STREET, SERVICE.** A marginal access street which is generally parallel and adjacent to a major street.

**STREET, WIDTH.** The width of the right-of-way measured at right angles to the centerline of the street.

**STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes and other similar items, including advertising devices or other construction or erection with special function or form and not including fences or walks.

(1) In the Airport Overlay District, a structure is an object constructed or installed by humans, including, but without limitations, buildings, towers, smokestacks and overhead transmission lines.

(2) In the Floodplain Overlay District, a structure is a roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section (D)(16) shall also be considered a structure for the purposes of the enforcing the Floodplain Overlay District standards.

**SUBDIVIDER.** Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself or herself or for others.

**SUBDIVISION.** The division of land into parcels smaller than a quarter-quarter section (40 acres) when the split creates or leaves more than two parcels and when any parcel, created or left, is less than five acres in size exclusive of rights-of-way, or when the division requires a new public or private street or access is required to serve one or more parcels.

**SUBSTATIONS.** Any electrical facility designed to convert electricity produced by wind turbines to a voltage for interconnection with transmission lines.

**SUB-SURFACE SEWAGE TREATMENT SYSTEM (SSTS).** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. A **SUB-SURFACE SEWAGE TREATMENT SYSTEM** includes holding tanks and privies.

***SURFACE WATERS.*** Waters, which include, but are not limited to, rivers, streams, creeks, ponds, intermittent streams and wetlands of Type Ell - Type VII as defined in Minnesota Department of Natural Resources Circular 39.

***SURVEYOR.*** A person duly registered as a land surveyor by the State of Minnesota.

***SWCD.*** Waseca County Soil and Water Conservation District.

***SWECS.*** Small Wind Energy Conversion System. See ***WIND TURBINE, ACCESSORY.***

***TANGENT.*** A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

***TAPROOM.*** An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A ***TAPROOM*** may also include sales for off-premises consumption of malt liquor produced at the brewery location or adjacent to the taproom and owned by the brewer for off-premises consumption, packaged subject to M.S. § 340A.301, Subdivision 10, as it may be amended from time to time, or its successor.

***TAVERN.*** Any place in which fermented malt beverages or intoxicating liquors are sold for consumption upon the premises.

***TEMPORARY SIGN.*** A sign that is not permanently installed and is displayed concurrent with a specific event or occurrence for a limited duration, after which the sign must be removed.

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***TEMPORARY WORKER HOUSING.*** Any living quarters permanently maintained for employees to occupy on a seasonal basis for not more than six months per year.

***TERMINAL, FREIGHT.*** An area or building where cargo and freight is stored, where loading and unloading is carried on regularly, and where minor maintenance of vehicles is performed.

***TERMINAL, TRUCK.*** An area or building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of vehicles is performed.

***THEATER (DRIVE-IN).*** A commercial establishment offering facilities for viewing movies outdoors.

***TOE OF THE BLUFF (SLOPE).*** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the ***TOE OF BLUFF*** shall be determined to be the lower end of a 15-foot segment measured on the ground with an average slope exceeding 30%. The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

***TOP OF THE BLUFF (SLOPE).*** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the ***TOP OF BLUFF*** shall be determined to be the upper end of a 15-foot segment measured on the ground with an average slope exceeding 30%. For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.

***TOTAL CONFINEMENT FEEDLOT BUILDING.*** Livestock contained in the feedlot building at all times.

***TOTAL HEIGHT.*** In reference to wind towers, the highest point, above ground level, reached by a rotor tip or any other part of the WECS.

***TOWER.*** In reference to WECS, towers include vertical structures that support the electrical generator, rotor blades, meteorological equipment, communications or telephone equipment.

**TOWNHOUSE.** A multiple-family dwelling which maintains private ingress and egress, attached to its own foundation, contains no independent dwellings above or below it and is attached to other similar dwellings by a common wall.

**TRACT.** An area of land.

**TRANSFER OF PROPERTY.** The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gifts or otherwise.

**TRAVERSE WAYS.** For the purpose of determining height limits as set forth in the Airport Overlay District, shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

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**TREATMENT LEVEL.** Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following.

- (1) Level A: cBOD<sub>5</sub> < 15 mg/L; TSS < 15 mg/L; fecal coliforms < 1,000/100 mL.
- (2) Level B: cBOD<sub>5</sub> < 25 mg/L; TSS < 30 mg/L; fecal coliforms < 10,000/100 mL.
- (3) Level C: cBOD<sub>5</sub> < 125 mg/L; TSS < 80 mg/L; fecal coliforms N/A.

**TREE.** Any object of natural growth.

**TRUCK STOP.** A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel; repair shops; automated washes; restaurants and motels; all as part of the facility.

**TYPE I SYSTEM.** An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Parts 7080.2200 through 7080.2240.

**TYPE II SYSTEM.** An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

**TYPE III SYSTEM.** An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. **TYPE III SYSTEMS** are designed for use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

**TYPE IV SYSTEM.** An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing.

**TYPE V SYSTEM.** An ISTS designed by a professional engineer that does not meet the prescriptive designs for Types I-IV. **TYPE V SYSTEMS** must meet the Public Health and Safety Standards of Minnesota Rules, Part 7080.1500.

**UNINCORPORATED AREA.** The area outside a city.

**UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREA.** A liquid manure storage area that is in operation and:

(1) The owner/operator does not have an agency or delegated county feedlot permit for the manure storage area and was required to apply for and obtain feedlot permit prior to the construction or operation of the manure storage area; or

(2) The owner/operator has not complied with pre-operational requirements of Minnesota Rules, Part 7020.2100 or permit requirements if applicable.

**USDA.** United States Department of Agriculture.

**USE.** The purpose, for which land, premises, or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

**USE, NONCONFORMING.** See **NONCONFORMING USE**.

**USE, PERMITTED.** A use which is permitted outright in the zoning district in which it is located, provided it conforms with all requirements, regulations and performance standards of such district.

**USE, PRINCIPAL.** The primary use of the land or structures as distinguished from accessory uses.

**USE, SUBSTANDARD.** Any use of land or structures which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks or other dimensional requirements of this ordinance and which lawfully existed on the effective date of this ordinance or on the date the use became substandard because of rezoning of the property or amendment to the text of this ordinance.

**USED FOR.** To include the phrases: “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

**UTILITY RUNWAY.** A runway that is constructed for, and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less; and is less than 4,900 feet in length.

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**VARIANCE.** A modification or variation of the provisions of this ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of this ordinance would cause unnecessary hardship or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or not feasible under the circumstances. No **VARIANCE** may be granted that would allow a use that is prohibited in the zoning district in which the subject property is located. **VARIANCES** shall be limited to height, bulk, density and yard requirements.

**VERTICAL CURVE.** The surface curvature on a road or highway centerline located between lines of different percentage of grade.

**VETERINARY CLINIC.** A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**VISUAL RUNWAY.** A runway intended solely for the operation of aircraft using visual approach procedures, with no straight in instrument approach procedure and no instrument designation indicated on an approved planning document.

**WAREHOUSE DISTRIBUTION FACILITY.** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**WATERCOURSE.** For the purposed of enforcing the Floodplain Overlay District standards, a watercourse is a channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

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**WATER ORIENTED ACCESSORY STRUCTURE OR FACILITY.** A small, aboveground 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. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, patios and detached decks.

**WATER ORIENTED COMMERCIAL BUSINESS.** The use of land for commercial purposes where access to and use of a surface water feature are an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portions thereof.

**WATER SURFACES.** In the Airport Overlay District, has the same meaning as land for the establishment of protected zones.

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**WETLANDS.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purpose of this ordinance, **WETLANDS** must:

- (1) Have a predominance of hydric soils;
- (2) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation; and
- (3) Under normal (undisturbed) circumstances support a prevalence of hydrophytic vegetation.

**WILDLIFE AREA.** An area set aside for the preservation of natural vegetation or wildlife.

**WIND FARM.** One or more wind turbines on a single parcel of land that collectively have above 100kw in total name plate generating capacity, under a contiguous easement, or interconnected upstream of a busbar and that are intended to produce power for sale to an off-site energy user other than the owner of the turbines or for sale to a regulated electric utility, municipal utility or electric cooperative.

**WIND TURBINE, ACCESSORY.** A wind energy conversion system with under 100kw name plate generating capacity that is accessory to the principal use of the lot or parcel, consisting of a wind turbine, a tower and associated control or conversion electronics that is intended to primarily reduce on-site consumption of utility power.

**YARD.** A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this ordinance. The **YARD** extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

**YARD, FRONT.** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

**YARD, REAR.** An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot for the full width of the lot.

**YARD, SIDE.** An open unoccupied space extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

**ZONING ADMINISTRATOR.** The person duly appointed by the County Board and charged with the enforcement of this ordinance or his or her authorized representative.

**ZONING AMENDMENT.** A change in this ordinance authorized by the County Board which can take three forms:

- (1) A comprehensive revision or modification of the zoning text and map;
- (2) A text change in zone requirements; or
- (3) A change in the map, i.e., the zoning designation of a particular parcel or parcels.

**ZONING DISTRICT.** An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform.

**ZONING MAP.** The map or maps incorporated into this ordinance as a part hereof designating the zoning districts.

**ZONING PERMIT.** A document issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this ordinance and issued for the purpose of carrying out and enforcing its provisions.

(Ord. 97, passed 7-21-2009; Ord. 108, passed 3-5-2013; Ord. 112, passed 1-7-2014; Ord. 113, passed 4-15-2014; Ord. 117, passed 6-17-2014; Ord. 118, passed 8-19-2014; Ord. 143, passed 9-15-2020; Ord. 146, passed 4-20-2021; Ord. 148, passed - -2021; Ord. 152, passed 10-18-2022)