ORDINANCE: 160

WASECA COUNTY

AN ORDINANCE AMENDING THE WASECA COUNTY UNIFIED DEVELOPMENT CODE

The County Board of Commissioners for Waseca County hereby ordains as follows:

WHEREAS, Waseca County Planning and Zoning requested an amendments to the Waseca County Unified Development Code; and

WHEREAS, the Waseca County Planning Commission conducted public hearings on the dates listed on Exhibit B, regarding the proposed respective amendments to the Waseca County Unified Development Code, and recommends its approval as depicted in Exhibit A to the Waseca County Board of Commissioners; and

WHEREAS, the Waseca County Board of Commissioners held a public hearing at their meeting on February 4, 2025, to adopt the amendments to the Waseca County Unified Development Code as shown in Exhibit A.

NOW, THEREFORE, Waseca County Board of Commissioners does ordain that the Waseca County Unified Development Code shall be amended as shown in Exhibit A appended to this Ordinance.

Adopted by Waseca County on the 4th day of February 2025 and effective on the date of adoption.

_____

Douglas Christopherson
Chairman, Waseca County Board of Commissioners

ATTEST:

_____

Beth Weimert, Clerk
Waseca County Board of Commissioners

EXHIBIT A

WASECA COUNTY UNIFIED DEVELOPMENT CODE

ARTICLE 1: INTRODUCTORY PROVISIONS

Section

1.01 Title

1.02 Purpose

1.03 Statutory authorization

1.04 Jurisdiction/affected area

1.05 Compliance required

1.06 Rules of construction and interpretation

1.07 Effect on Pending Applications

1.08 Severability

1.09 Relationship to other city, county, state and federal regulations

1.10 Prior ordinances repealed

1.11 Amendments to text

1.12 Effective date

§ 1.01 TITLE.

This ordinance shall be known, cited and referred to as the “Waseca County Unified Development Code”. When referred to in this document, it shall be known as “this ordinance”.

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

§ 1.02 PURPOSE.

The purposes of this ordinance are to:

(A) Implement the 2005 Comprehensive Land Use Plan;

(B) Promote the public health, safety, morals and general welfare by:

(1) Regulating the use of structures and land;

(2) Promoting orderly development of the residential, business, industrial, recreational and public areas;

(3) Providing for adequate light, air and convenience of access to property;

(4) Limiting congestion in the public rights-of-way;

(5) Conserving and managing the use of natural resources; and

(6) Providing for the administration and enforcement of this ordinance.

(C) Update ordinances. Unify and update all land development ordinances existing prior to the adoption of this ordinance, including zoning ordinance, subdivision ordinance, shoreland ordinance,

joint airport zoning ordinance, floodplain management ordinance, sign regulations, feedlot ordinance, manufactured home ordinance, adult use ordinance, agricultural land preservation plan, right-to-farm ordinance and accessory dwelling ordinance; and

(D) Provide order and consistency. Establish orderly and consistent procedures to plan and oversee development.

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

§ 1.03 STATUTORY AUTHORIZATION.

This ordinance has been enacted in accordance with authority granted to the county in M.S. Chapters 394 and 103F, as they may be amended from time to time, and Minnesota Regulations, Parts 6120.2500 through 6120.3900.

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

§ 1.04 JURISDICTION/AFFECTED AREA.

The provisions of this ordinance shall apply to all land within the jurisdiction of the county. The provisions of this ordinance shall also apply to the shorelands of public water bodies as defined on the County Protected Waters Inventory list.

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

§ 1.05 COMPLIANCE REQUIRED.

From and after the effective date of this ordinance, no structure shall be erected, constructed, enlarged, reconstructed or altered and no structure or land shall be used or occupied for any purpose nor in any manner which is not in conformity with this ordinance, except as specifically provided herein. Any structure or use existing upon the effective date of the adoption of this ordinance and which does not conform to the provisions of this ordinance shall be considered a nonconforming use subject to the rights and limitations specified in this ordinance.

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

§ 1.06 RULES OF CONSTRUCTION AND INTERPRETATION.

The following rules of construction and interpretation shall apply to this ordinance.

(A) *Conflict*. To the extent of any conflict between this ordinance and any other county ordinance, regulation or code provision, the more restrictive shall be deemed to be controlling.

(B) *Section and subsection titles*. Section and subsection titles appear throughout this ordinance. These titles are for ease of use only; they shall not be interpreted as regulatory language.

(C) *Rules*.

(1) *Word usage*. The language in this ordinance shall be interpreted in accordance with the following rules of construction.

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

(b) Words in the singular shall include the plural and the plural the singular.

(c) The masculine gender shall include the feminine and neuter genders.

(d) The word “shall” is mandatory, whereas, the word “may” is permissive.

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

(2) *Distances*. All distances, unless otherwise specified, shall be measured horizontally.

(3) *Permitted uses*. Permitted uses of land or buildings as hereinafter listed shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or land shall be located, with the following exceptions:

(a) Uses lawfully established prior to the effective date of this ordinance;

(b) Conditional uses allowed in accordance with this ordinance; and

(c) Essential services erected, constructed, altered or maintained by public or private utilities or by government departments or commissions, not subject to local control.

(4) *Conditional uses*. Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated subject to the issuance of conditional use permits in accordance with the provisions of this ordinance.

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

§ 1.07 EFFECT ON PENDING APPLICATIONS.

Prior ordinances shall control the review of applications for required permits submitted in full and pending before the enactment of this ordinance as specified in § 1.10.

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

§ 1.08 SEVERABILITY.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions be declared invalid or unconstitutional.

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

§ 1.09 RELATIONSHIP TO OTHER CITY, COUNTY, STATE AND FEDERAL REGULATIONS.

(A) *Compliance required*. In addition to the requirements of this development ordinance, all uses and development shall comply with all other applicable city, county, state and federal regulations. If a provision of this ordinance conflicts with any other provision of this ordinance, the County Unified Development Code, or with any other provision of law, the more restrictive provision shall apply, except as otherwise provided. Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this ordinance, the provisions of such shall be controlling. The continuation of nonconformities provided for by M.S. §§ 394 and 462, as they may be amended from time to time, shall not apply to compliance with this ordinance and M.S. § 103F.48, as it may be amended from time to time.

(B) *References to other regulations*. All references within this development ordinance to other city, county, state and federal regulations are for informational purposes only and do not constitute a

complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state or federal regulations.

(C) *Current versions and citations*. All references to other city, county, state and federal regulations within this ordinance are intended to refer to the most current version and citation for those regulations. If such references are invalid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern unless otherwise specified.

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

§ 1.10 PRIOR ORDINANCES REPEALED.

This ordinance repeals and replaces all prior land development ordinances including; the zoning ordinance, interim development ordinance, subdivision regulations, tower ordinance, floodplain management ordinance and large exhibitions ordinance.

(A) Any application for a subdivision will be processed under the requirements of Ord. 75, provided that:

(1) A concept plan for the development was submitted prior to passage of this ordinance;

(2) A preliminary plat was filed and approved within six months of passage of this ordinance; and

(3) A final plat was filed and approved within 12 months of passage of this ordinance.

(B) Any application for a variance or conditional use permit will be filed and processed under the requirements of Ord. 75 if filed prior to passage of the code and public hearing scheduled within 60 days of passage of this code and the variance or conditional use permit finalized within 60 days following the public hearing. When required, a conditional use permit application required for a subdivision will be due with the preliminary plat application.

(C) Any application for a new feedlot or the expansion of an existing feedlot will be processed under the requirements of Ord. 76 if filed prior to the passage of this code and completed within the timeframes specified in Ord. 76.

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

§ 1.11 AMENDMENTS TO TEXT.

The County Board of Commissioners may amend the text of this ordinance by ordinance on its own action or by petition, after recommendation by the Planning and Zoning Commission and after public hearing. No amendment to the floodplain regulations and feedlot regulations in this ordinance, however, may be adopted without prior approval from the applicable state agency.

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

§ 1.12 EFFECTIVE DATE.

This ordinance shall be in full force and take effect from and after the date established upon adoption by the Board of Commissioners.

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

ARTICLE 2: NONCONFORMITIES AND LOTS OF RECORD

Section

2.01 Intent

2.02 Lots of record

2.03 Nonconforming signs

2.04 Nonconforming structures

2.05 Nonconforming uses

2.06 Construction on nonconforming lots of record

2.07 Shoreland nonconformities

§ 2.01 INTENT.

It is the intent of this section to provide for the regulation of nonconforming buildings and uses and to specify the requirements and circumstances under which such buildings and uses will be operated and maintained. Nonconforming buildings and uses lawfully existing upon adoption of this ordinance shall be permitted to continue until they are removed or discontinued. Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this ordinance, the provisions of such shall be controlling. The continuation of nonconformities provided for by M.S. §§ 394 and 462, as they may be amended from time to time, shall not apply to compliance with this ordinance and M.S. § 103F.48, as it may be amended from time to time.

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

§ 2.02 LOTS OF RECORD.

(A) *Adjusting front yard setback of nonconforming lot of record*. In such cases, where buildings exist on lots on either side of a lot of record, with front yard setbacks that do not conform to this ordinance, the setback for the lot of record shall be determined to be equal to a straight line drawn halfway between and parallel to the front yard setback lines of the two adjacent buildings. In such case, where there is a nonconforming setback on a building adjacent to one side of a lot of record and the lot on the other side is vacant, the setback for the lot of record shall be determined to be equal to the setback of the nonconforming building plus one-half the difference between the setback of the nonconforming building and the setback required by this ordinance.

(B) *Structure*. Additions, in such cases, where proposed building additions do not encroach further on the yard setbacks than that existing, such additions will be permitted provided the use is permitted within the zoning district in which the property is located.

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

§ 2.03 NONCONFORMING SIGNS.

(A) *Nonconforming signs discontinued*. Signs lawfully existing on the effective date of this ordinance which do not conform to the regulations set forth in this ordinance shall become a nonconforming use and shall be discontinued within a period of three years of the effective date of this ordinance. Uses of signs, which become nonconforming due to a subsequent change in this ordinance, shall also be discontinued within a period of three years of the effective date of the change.

(B) *Nonconforming business signs allowed to continue*. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination.

(C) *No new nonconforming signs*. No sign erected before the passage of this ordinance shall be rebuilt, altered or moved to a new location on the affected property without being brought into compliance with the requirements of this ordinance.

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

§ 2.04 NONCONFORMING STRUCTURES.

(A) *Discontinuance*.

(1) In the event that a nonconforming use of any building or premises is discontinued or its normal operation is stopped for a period of one year, the use of same shall thereafter conform to the regulations of the district in which it is located.

(2) In the event that the use of a nonconforming advertising or business sign is discontinued or the business being advertised is discontinued for a period of six months, the sign shall be removed by the owner or lessor at the request of the County Board.

(B) *Alteration*. The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions thereof. If a structure is altered to become a conforming use, it cannot thereafter be changed to a less restricted use.

(C) *Residential alterations*. Alterations may be made to a residential building containing nonconforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building or the physical dimensions of the building.

(D) *Restoration*. No building which has been damaged by fire, explosion, natural disaster, as designated by the County Board, to the extent of more than 50% of its replacement value, as determined by the County Assessor, and no building permit has been applied for within one year of when the property was damaged, shall be restored except in conformity with the regulations of this ordinance. This provision shall not apply to buildings exempted by state law.

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

(1) *Setbacks for new buildings and the like*. The minimum setbacks for new buildings, new parking areas or other new structures constructed for the first time after August 1, 2009 from the right-of-way of State Highway 14 shall be 75 feet.

(2) *Setbacks for pre-existing buildings and the like*. Notwithstanding any language to the contrary in this ordinance, the minimum setbacks for buildings, parking areas or other structures existing on August 1, 2009 from the right-of-way of Highway 14 shall be the setback then in existence and all such buildings and the like or reconstruction or replacement of same shall be deemed to be conforming under this ordinance as to such required setbacks.

(3) *Site lighting*. All lighting shall be down-lit style to reduce overhead glare.

(F) *Normal maintenance*. Maintenance of a building or other structure containing or used by a nonconforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations, which do not extend or intensify the nonconforming building or use. Nothing

in this ordinance shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the County Zoning Administrator.

(G) *Building permits previously issued*. Any structure which will, under this ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this ordinance, may be completed in accordance with the approved plans, provided construction is started within 120 days and continues to completion within two years. Such structure and use shall thereafter be a legal nonconforming structure and use.

(H) *Construction of a second dwelling*. The construction of a second residence on a site may be allowed in order to allow the owner or owners a place to reside while a new single-family dwelling is constructed. The original residence must be removed within 180 days of partial or complete occupancy, as defined in § 8.03, of the new dwelling. A zoning permit to construct a new residence on the site where there is an existing residence will not be issued until the property owners execute a covenant agreement approved by the Waseca County Attorney to remove the existing dwelling upon completion of the new residence.

(Ord. 97, passed 7-21-2009; Ord. 148, passed - -2021)

§ 2.05 NONCONFORMING USES.

(A) Changes and substitutions: once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the lot area, established setback lines along arterial streets, highways and property lines, and the yard, height, parking, loading, unloading, access and any other applicable provisions of this ordinance, it shall not revert back to a nonconforming use or a substandard structure.

(B) Once the Board of Adjustment has permitted the substitution of a nonconforming use for the existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board of Adjustment.

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

§ 2.06 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD.

(A) *Building permitted with conditions*. Lots of record in the office of the County Recorder prior to May 17, 1983 that do not meet the requirements of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district; the lot has been in separate ownership from abutting lands at all times since it became substandard; was created compliant with official controls in effect at the time; and sewage treatment and setback requirements of this ordinance are met.

(B) *When variance required*. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot of record where lot size does not allow for compliance with applicable setback distances, in evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(C) *Nonconforming lots of record under single ownership*. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance.

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

§ 2.07 SHORELAND NONCONFORMITIES.

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this county for the subjects of alterations and additions, repair after damage, discontinuance of use and intensification of use; except that the following standards will also apply in shoreland areas.

(A) *Additions/expansions to nonconforming structures*.

(1) All additions or expansion to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of § 6.22. Any deviation from these requirements must be authorized by the variance process described in § 3.08.

(2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

(a) The structure existed on the date the structure setbacks were established;

(b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

(c) The deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

(d) The deck is constructed primarily of wood and is not roofed or screened.

(B) *Nonconforming subsurface sewage treatment systems*.

(1) A subsurface sewage treatment system (SSTS) must have been issued a current certificate of compliance before an application for a zoning permit can be approved.

(a) For variances and conditional use permits, a condition shall be added to the recorded document requiring upgrading and issuance of a certificate of compliance before the variance or conditional use of the property is commenced. An exception to this requirement is made when the variance request is for placement of an SSTS.

(b) For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

(c) An escrow account for the exclusive purpose of SSTS installation, repair or improvement may be utilized to expedite the following permits or uses without a current certificate of compliance for a brief period of time. The established escrow account shall be held in trust by a FDIC insured lending institution. The escrow account shall total no less than one and one-half multiplied by the total amount of a written estimate from a licensed contractor for a design which has been approved by the Public Health Services Department or one and one-half multiplied by the annual average cost of a standard mound system as determined by the Public Health Services Department.

1. *Zoning permit*. The non-compliant SSTS shall be upgraded and issued a current certificate of compliance within 120 days of issuance of a zoning permit, except as provided under extension/exceptions below.

2. *Variance and/or conditional use permit*. The non-compliant SSTS shall be upgraded and issued a current certificate of compliance within 120 days of issuance of a zoning permit, which ever shall occur first, except as provided for under extension/exceptions below.

3. *Extension/exception*. If a request for a permit, variance or conditional use permit is received between November 1 and April 30, the county may issue a permit, conditional use permit or variance immediately with the requirement that a compliance inspection be completed by the following June 1, and a certificate of compliance be submitted by the property owner by the following September 30. All other requests require a certificate of compliance prior to the issuance of a permit.

(2) The county will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period, which will not exceed 120 days. Sewage systems installed according to all applicable local shoreland management standards adopted under M.S. Chapter 103F, as it may be amended from time to time, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits or other deep disposal methods or systems with less than three feet of soil treatment area separation above groundwater than required by the State Pollution Control Agency's rules for design of on-site subsurface sewage treatments systems shall be considered nonconforming and an imminent threat to public health or safety.

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

ARTICLE 3: DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS

Section

3.01 Introductory provisions

3.02 Zoning permits

3.03 Amendments/rezoning

3.04 Required setback

3.05 Site plans

3.06 Subdivision regulations

3.07 Conditional use permits

3.08 Variances and appeals

3.09 Special events permit

§ 3.01 INTRODUCTORY PROVISIONS.

(A) *Purpose*. The purpose of this article is to establish application requirements, review processes and standards for land use approvals and development permits in the county.

(B) *Additional studies*. In considering a development proposal, the Board may request a report by the Zoning Administrator or other county staff or consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

(C) *Notification requirements*.

(1) Whenever in this article notification of a public meeting or public hearing by the Planning and Zoning Commission, the Board of Adjustment or the Board is required, the following procedures shall be followed.

(a) *Notification to applicant*. The Zoning Administrator shall notify the applicant by mail of the time, place and date of the public meeting and/or public hearing. The information for the notice shall be obtained from county taxpayer information from county records.

(b) *Notice of meeting of public body*. Notice of the time and place of the meeting of the public body holding the public hearing or public meeting shall be given not less than four nor more than 20 days before the time of the hearing in one publication in the official newspaper of the county. Notice shall also be mailed to the applicant.

(c) *Notification to surrounding property owners*. The Zoning Administrator shall comply with the following notification requirements:

1. In the case of variances, to owners of record within 500 feet of the affected property;

2. In the case of conditional uses and interim uses, to owners of record within one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners;

3. In the case of all other official controls, including but not limited to rezoning and subdivision regulation, to owners of record within one-half mile of the affected property;

4. In all cases, notices sent in incorporated areas shall be sent to all property owners of record within 500 feet of the affected property; and

5. Written notice shall also be given to the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

(2) The notice shall be by mail indicating the time, place and date of the Technical Review Committee meeting, public meeting and/or public hearing. Failure to notify shall not be deemed sufficient cause to invalidate proceedings regarding the land use approval or development permit under consideration.

(D) *No new petition filed*. Whenever any application for a rezoning/map amendment, conditional use permit or variance shall have been denied, then no new respective application for a rezoning/map amendment, conditional use permit or variance covering the same property and/or additional property shall be filed with or considered by the county until one year shall have elapsed from the date of the denial.

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

§ 3.02 ZONING PERMITS.

(A) *Zoning permit required*.

(1) No person shall erect, repair, structurally alter or move any structure or building or part thereof without first securing a zoning permit, except for activities exempted by subsection (B) below, which require a notice to proceed.

(2) No permit shall be issued where a proposed setback does not comply with future road construction plans as approved by the County Board, in which case a greater setback will be required in accordance with future highway plans. This information shall be supplied by the County Engineer.

(3) All animal feedlots must further comply with the regulations set forth by the State Pollution Control Agency.

(4) All on-site sewage treatment systems must further conform to Pollution Control Agency rules in Minnesota Rules, Chapter 7080.

(5) All manufactured home parks and recreational camping areas must further comply with the standards established by Minnesota Rules, Chapter 4630.

(6) All international, federal, state, county and other official monuments, bench-marks, triangulation points and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, half sections and one-sixteenth section corners shall be duly described and tied.

(7) Any permit is void if building construction is not completed within one year from the date the permit was approved, unless otherwise extended by the County Board.

(8) Any zoning permit issued under the prior existing zoning ordinance shall remain in effect for one year from the date of its issuance and construction shall comply with all requirements in effect

under the prior zoning ordinance. Construction must begin within one year of issuance of the zoning permit and be completed within one year after construction is begun.

(B) *Notice to proceed required*.

(1) *Applicability*. A notice to proceed is required for non-structural repairs that do not require a zoning permit. Circumstances in which a notice to proceed is required include, but are not limited to roof re-shingling, re-roofing, window replacement, same size, window replacement - enlargement or made smaller, siding, foundation repair/replacement (no structural raising involved), construction of an accessory structure 100 square feet or less and less than 14 feet in height. All repairs must meet all ordinance requirements.

(2) *Notice to Planning Department*. A phone call must be placed to planning and zoning for record purposes. The applicant shall furnish: first name; last name; address; city; state; zip; section; township; phone number; project description, including size and type of building and proposed date of start and completion. A notice to proceed letter will be generated from the planning and zoning office to the property owner. Messages can be left 24 hours per day, seven days a week.

(3) *Fee*. No cost to applicant for proper notification.

(4) *Penalty*. Penalty for failure to notify shall be as established by the County Board by resolution.~~: $35~~.

(C) *Application for zoning permit*.

(1) Application for a zoning permit shall be made to the Zoning Administrator on forms to be furnished by the county and must be signed by the applicant. Each application for a permit to construct or alter a building shall be accompanied by a plan, showing the survey dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected, or such information as required by the Zoning Administrator. Applications shall contain such other information as may be deemed necessary for the proper enforcement of this ordinance or any other. The Zoning Administrator shall issue the zoning permit only after determining that the buildings, and site plans (if necessary), together with the application, comply with the terms of this ordinance, except as provided in § 2.01, Intent and that the applicant has no zoning violations outstanding or delinquent property taxes.

(2) Before any dwelling or other structure is moved onto a lot, the Planning Commission, by conditional use permit process, shall recommend to the County Board whether the structure will be compatible with other development in the area. The applicant shall submit photographs taken from two or more angles of the structure to be moved and photographs of the lot on which the structure is to be located together with photographs of adjacent lots and structures.

(3) A dwelling or other structure found not to be compatible with other development in the area by the County Board shall not be issued a zoning permit.

(4) If an applicant demonstrates that an incompatible dwelling or other structure can be made compatible and demonstrates the ability and intent to improve the dwelling or other structure within a period of not more than three years, unless the County Board later extends the time for completing improvements.

(5) A dwelling or other structure will be considered incompatible if it significantly lowers the property values or significantly detracts from the aesthetic quality of other development in the area.

(6) These requirements shall not apply to a single-family dwelling, permitted accessory uses or to agricultural buildings and structures when being located upon a farm as defined in Article 8; or to temporary structures being located on a lot for 18 months or less.

(7) An administrative review shall be issued in lieu of a conditional use permit for any house or structure being moved onto a lot provided all of the following criteria can be answered "yes" by the Zoning Administrator:

(a) The house or structure, in its existing condition, is compatible with other development in the area; ***COMPATIBLE*** means:

1. Photographs are submitted by the applicant taken from two or more angles of the structure to be moved and photographs of the lot on which the structure is to be located together with photographs of adjacent lots and structures. The photographs shall be kept on file, and become property of the Office of Planning and Zoning;

2. The house or structure as compared against the two closest adjoining structures is of the same or similar character as determined from records in the office of the County Assessor; and

3. The house or structure will not lower the adjoining property value(s) as determined and documented by written statement of the office of the County Assessor and kept on file in the office of planning and zoning.

(b) The aesthetic quality of the surrounding area is maintained. ***AESTHETIC QUALITY*** means that the dwelling or structure, in its existing condition, being moved onto the lot is of:

1. The same or similar building materials; i.e., brick, stick-built, manufactured home, pole construction and the like;

2. The same or similar building architecture, i.e., rambler, log cabin, French-second empire, Victorian, Spanish and the like;

3. The same or similar amount of stories; i.e., one-story, one and one-half-story, two-story;

4. The same or similar exterior material(s); i.e., aluminum siding, painted exterior and the like;

5. The same or similar roofline, i.e., gable, gambrel, hip, mansard and the like; or

6. The same or similar roofing material, i.e., shingles, tile, metal sheeting and the like.

(8) If "no" is answered to any of the above listed criteria by the Planning and Zoning Administrator, a conditional use permit shall be required. Approval or denial of the administrative review must be documented by findings of fact and be kept on file in the Office of Planning and Zoning. The Planning and Zoning Administrator shall notify the applicant in writing of the findings of fact within 14 days of the submittal of the required photographs and written request for an administrative review to move a dwelling or structure onto a lot. Appeal of the administrative review shall be heard by the Board of Adjustment.

(9) The Planning and Zoning Administrator ~~shall~~ may report all findings of fact of the administrative review to the Planning Commission at its next regularly scheduled meeting.

(D) *Fees*. Zoning permit fees and other fees as may be established by resolution of the Board of County Commissioners shall be collected by the Zoning Administrator for deposit with the county and credited to the General Revenue Fund. Zoning permits are not valid until the required fee is paid.

(Ord. 97, passed 7-21-2009; Ord. 147, passed 8-3-2021)

§ 3.03 AMENDMENTS/REZONING.

(A) *Application*.

(1) The proceedings for amendment of this ordinance shall be initiated by:

(a) A petition from the owner or owners of the property specified on the application;

(b) A recommendation of the County Planning Commission; or

(c) By action of the Board of County Commissioners.

(2) An application for an amendment shall be filed with the Zoning Administrator on the prescribed form.

(3) All applications to change the wording of this ordinance shall include the following information:

(a) The stated reason for the requested change;

(b) A statement on the compatibility of the requested change with the County Comprehensive Plan;

(c) The portion of the existing ordinance which is to be amended;

(d) The proposed amended text and statements, which outline any other effects that the amendment may have on other areas of this ordinance; and

(e) Any additional information requested by the Planning Commission.

(4) All applications to change the boundaries of any zoning district shall include the following information:

(a) The names, addresses and signatures of the petitioner or petitioners;

(b) The names and addresses of all property owners within the area to be rezoned, and a description of the property owned by each, and signatures from property owners in favor of the petition to rezone;

(c) A legal description of the property or properties to be rezoned and a specific description of the area to be rezoned;

(d) The present and proposed district classifications of the area;

(e) The current and proposed use of the land;

(f) A copy of any deed restrictions or covenants pertaining to the property or properties to be rezoned;

(g) A statement explaining the reason for the requested change in zoning;

(h) A statement on the compatibility of the requested change with the county's Comprehensive Plan or any other officially approved plan;

(i) A map, plot plan or survey plot of the property or properties to be rezoned which illustrates the location, dimensions, zoning, existing uses and buildings located on adjacent properties within 500 feet in incorporated areas, and one-half mile in unincorporated areas; and

(j) Any additional information requested by the Planning Commission.

(B) *Public hearing*.

(1) The Planning Commission shall hold at least one public hearing on each petition for amendment of this ordinance or rezoning prior to any final decision by the County Board. Such public hearings may be continued from time to time and additional hearings may be held.

(2) Upon receipt in proper form of the application and other requested material, the Zoning Administrator shall set the date of the public hearing. All such hearings shall be held in a location prescribed by the Planning Commission.

(3) Notice of the time, place and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county at least ten days before the hearing.

(4) In addition, written notice of public hearings on all amendments to this ordinance shall be sent to the governing bodies of all towns and all municipalities located within the county.

(5) Written notice of the time, place, and purpose of public hearings regarding the application of this ordinance to specific properties (rezoning) shall be sent to the petitioner or petitioners and to the adjacent property owners at least ten days before the hearing. The written notice shall be sent to property owners as follows:

(a) In incorporated areas, to all property owners of record within 500 feet of the affected property;

(b) In unincorporated areas, to owners of record within one-half mile of the affected property; and

(c) Written notice shall also be given to the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

(6) The current tax records on file in the office of the County Assessor shall be deemed sufficient for notification purposes. The failure of any property owner to receive notification, or defects in the notice, shall not invalidate the proceedings, if a bona fide attempt to comply with this subsection has been made.

(7) Written notice shall be sent to the ~~Commissioner~~ respective Department of Natural Resources Area Hydrologist at least ten days prior to any public hearing regarding amendments, affecting the Shoreland Overlay District.

(8) Any interested party may appear in person or by agent or by attorney at the public hearing.

(C) *Action and authorization*.

(1) Following the close of the public hearing and the formulation of the Planning Commission's recommendations, the Zoning Administrator shall report the findings and recommendations of the Planning Commission to the County Board at its next regularly scheduled Board meeting.

(2) Unless otherwise extended by written authorization of the applicant, the County Board shall act on the proposed amendment within 60 days of the receipt of a completed application for a rezoning or zoning amendment.

(3) The County Board shall have the option to hold whatever public hearings it deems advisable.

(4) Unless otherwise extended by written authorization of the applicant, if no report or recommendation is transmitted by the Planning Commission to the County Board, within 60 days after the receipt of a completed application, the County Board may take action without the recommendation.

(5) Approval of any amendments to this ordinance shall require a majority vote of all members of the County Board.

(6) A petition for rezoning which has been denied by the County Board shall not be reconsidered for at least one year.

(D) *Fees*.

(1) An application fee for a proposed zoning district boundary change or an amendment to this ordinance shall be as established by the County Board by resolution. Such fee shall be payable when the petition is filed.

(2) Any outside costs for consulting services to aid the Planning Commission, or County Board, or both, in making a decision on the petition shall be paid by the applicant. Such fee shall be determined by the County Board.

(E) *Effective date*. The amendment shall become effective upon adoption by the County Board and publication or such date after publication as the County Board shall designate.

(F) *Similar use*.

(1) A determination of similar use is when the County Board determines that a proposed use that is not in the zoning ordinance is "similar" to a use that is in the zoning code. The zoning administrator first issues a statement of clarification finding that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code. Any person proposing such use may then ~~file an application~~place a request for the County Board to determine if a use is or is not similar to other uses permitted in a specific district through the Planning and Zoning Administrator. The application and the process to determine if a use is similar to another use will follow the procedures for a zoning amendment as outlined in this section.

(2) The Planning Commission must make the following findings in determining one use is similar to another:

(a) That the use is similar in character to one or more of the principal uses permitted;

(b) That the traffic generated on such use is similar to one or more of the principal uses permitted;

(c) That the use is not first permitted in a less restrictive zoning district; and

(d) That the use is consistent with the Comprehensive Plan.

(3) The Planning Commission may recommend and the County Board may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of this ordinance and to protect adjacent properties.

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

§ 3.04 ~~REQUIRED SETBACK~~PERMIT APPLICATION PROCESSING TIMELINE PROTOCOL.

(A) *Purpose*. The purpose of this section is to protect the right of a landowner, who in good-faith has submitted a completed application to the county zoning office for a particular land use project within a particular geographic area. It is also to ensure that applicant the appropriate time to complete his or her application process without interruption from a competing land use request in the same local area.

(B) *Application process and permit requirements*. All applications and permits shall be processed as follows.

(1) Upon receipt of a completed application (when one exists) or a formal written notice of a process to proceed (when an application does not formally exist) for a process that is required by federal, state or local statutes, rules or ordinance, the written documents shall be submitted to county zoning office. The person making application or formal written notice shall be deemed as Applicant A.

(2) Applicant A's request, as noted above, shall be reviewed for completeness.

(a) If Applicant A's application is complete it shall be accepted by the zoning office and shall proceed through the appropriate process as required. If the application is complete, it shall be deemed accepted.

(b) If Applicant A's application is incomplete, it shall be returned to the applicant by first class mail and shall include a written statement informing the applicant of the information that is missing or incomplete. The application shall be deemed not accepted.

(3) During the process of review, an accepted application from Applicant A may be required to submit additional information to the requesting government entity in order to complete the process and/or make a decision on behalf of a request, such as, but not limited to, requests from the Planning Commission or Board of Commissioners during a conditional use permit, subdivision and plat, or from the environmental review authority. All information shall be provided in a timely manner.

(4) An applicant must complete the following process in the time periods listed in Table 3.1 to protect the applicant's developmental rights.

Table 3.1 Permit Application Processing Timeline Protocol	
Animal feedlot: 10 AU - 49 AU	Within 30 days of receipt of a completed feedlot registration an applicant shall establish a feedlot by definition or submit a completed zoning application for a structure. As per zoning ordinance, a structure shall be completed within one year of issuance of the zoning permit.
Animal feedlot: 50 AU- 999 AU	Within 90 days following the site team inspection or conditional use permit decision, the appropriate completed feedlot permit application shall be submitted to the zoning office.

	Within 30 days of issuance of a feedlot permit by the County Feedlot Officer, a completed application for a zoning permit to construct an animal feedlot structure shall be submitted to the zoning office. As per zoning ordinance; a structure shall be completed within one year of issuance of the zoning permit.
Animal feedlot: > 1000 AU	A feedlot required to complete an environmental review shall notify the zoning office in writing at the time of submission to the MPCA. Within 30 days of the completion of the environmental review the applicant shall submit an application for site team or conditional use process. Within 90 days following the site team inspection or conditional use permit decision, the appropriate completed feedlot permit application shall be submitted to the State Pollution Control Agency. Within 30 days of issuance of a feedlot permit by the State Pollution Control Agency, a completed application for a zoning permit to construct an animal feedlot structure shall be submitted to the zoning office. As per zoning ordinance, a structure shall be completed within one year of issuance of the zoning permit.
Residential subdivision and plat; as approved by the County Board	Setbacks: Any setback shall be calculated from the buildable area of a lot until a residential structure is physically located upon the lot(s).
Residential subdivision and plat; application process	The pre-application meeting, as required by § 3.06(F)(9)(a), shall be held at the next regularly scheduled meeting of the Planning Commission. The applicant shall define a specific area of the potential subdivision. A preliminary plat and completed application shall be received by the zoning office within 60 days of the pre-application meeting of the Planning Commission.
*Residence, permitted use	As per zoning ordinance, the structure shall be completed within one year of issuance of the zoning permit.
*Residence, by conditional use permit	A completed application for a zoning permit shall be submitted within 90 days of County Board approval of the conditional use permit. As per zoning ordinance, the structure shall be completed within one year of issuance of the zoning permit.
Sale of land	County shall not warranty land for development that has not proceeded through the appropriate processes and received proper approvals of the County Board, Zoning Administrator, or Board of Adjustment, as may be required.
(*) Completion of a residential structure shall include all of the following:	
(1) Construction of walls and roof; placement of windows and doors.	

(2) An approved, constructed and functioning waste disposal system, i.e., SSTS, public sewer and the like.
(3) Electricity, a heating source and water supply.
(4) The structure in general shall be in habitable form. An unfinished basement is acceptable. “In general” habitable form includes such things as, internal walls, flooring, ceiling, cabinetry, plumbing, toilet and bath fixtures.

(5) Should a landowner not be timely in his or her application process, Applicant A shall forfeit the exclusive right of zoning review to the immediately following applicant for a land use request within the same geographical area.

(6) (a) Should a second applicant, deemed Applicant B, make application for a land use which is allowed in the same geographical vicinity the following policy shall apply.

1. If Applicant A has followed the processes and procedures as listed above, Applicant A’s project shall be considered “active and on-going” and shall be exclusively considered by the county for processing.

2. No other application shall be considered within a specified ~~setback boundary~~quarter-quarter section, as established by any county ordinance, of Applicant A’s proposed project.

3. Upon receipt of any additional applications that have followed the procedures as listed above; any second or additional applicants shall be notified in writing by the county zoning office of a pending “active and on-going” application that is being considered.

(b) Each application shall be marked with the date and time of submittal to the zoning office to determine the order of consideration. Applications or formal written notices, (when an application does not formally exist) received by mail shall be considered received at 10:30 a.m. upon their day of receipt.

~~(c) If more than one application or formal written notice is received upon the same day and time, the order of consideration shall be determined by the County Board of Commissioners.~~

(7) Each additional application or formal written notice (when an application does not formally exist) to Applicant A’s request shall be denied by the County Zoning Administrator until such time that:

(a) The necessary processes have been completed by Applicant A and the land use entity exists and, therefore, the second or following request(s) can not meet the standards of the ordinance and an application would administratively be denied;

(b) Applicant A withdraws and rescinds his or her application in writing; or

(c) Applicant A fails to complete the necessary process to completion in the above specified time frame.

(8) Upon the withdrawal of Applicant A’s request, upon Applicant A’s failure to act in a timely manner, or upon the denial of Applicant A’s request, then Applicant B’s request shall move forward and be considered for approval through the same processes as was afforded Applicant A. Applicant B shall have 14 calendar days after written notice by the county zoning office to notify the county

zoning office if it would like his or her application or formal process placed into “active and ongoing” status.

(9) Should Applicant B respond within 14 calendar days that he or she wishes to have his or her completed application considered, he or she shall be subject to the same processes of Applicant A. Additional applicants shall be treated in the same manner when more than one additional applicant exists, i.e., when Applicant B moves to active and ongoing status, Applicant C’s request shall be considered “on-deck”.

(10) Should Applicant B decline the opportunity to move forward or not respond to the written notice of the county zoning office, Applicant C, if there is one, shall be notified of such opportunity to be moved to “active and ongoing” status.

(11) Any additional applicants shall be subject to the same process as Applicant B. Each additional applicant shall be considered in the order the application or formal notice of process is received. Nothing in this ordinance prevents a previous applicant from reapplying and repeating the process that may have been previously denied, withdrawn or was previously lost by failure to respond or provide information.

(12) The county zoning office shall be responsible to make the applicant aware of the timelines the applicant is subject to in writing.

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

§ 3.05 SITE PLANS.

(A) *Site plans required*. Site plans are required to assure that the development meets the stated purposes and standards of the zoning district in which it is located; to allow the planning staff to review a zoning application for compliance with this code; to provide for the necessary public facilities such as roads and utilities; and to protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping. A site development plan is required with applications for the following:

(1) New uses and significant expansions of existing uses, which increase the assessed value of the structure more than 50% as determined by the County Assessor, other than exclusively single family residential uses;

(2) Where otherwise specified in Articles 3, 4, 5 and 6 of this ordinance; and

(3) The Zoning Administrator may waive some of the requirements for required herein for zoning permits.

(B) *Site plan requirements*. Whenever this ordinance requires submission of a site plan the applicant shall submit ~~15~~ one (1) paper ~~copies~~ copy and an electronic version (AutoCAD) in a form acceptable to the Zoning Administrator of a site plan prepared by an engineer, landscape architect, architect or other similar licensed professional and meeting the following specifications and showing the data listed.

(1) Application information:

(a) Names of all property owners;

(b) Address of property including street, city and zip code; and

(c) Existing and requested zoning classification, use of property, number of employees if applicable.

(2) Specifications.

(a) Paper sized 11 inches by 17 inches; additional larger format copies may be submitted in addition to the 11 inches by 17 inches format.

(b) Drawn to scale of not less than one inch equals 50 feet, unless otherwise approved by the Zoning Administrator.

(3) All existing and proposed site conditions shall be shown, including:

(a) Existing and proposed contour lines at intervals no greater than five feet, referred to USGS datum;

(b) Location and dimensions of lot boundaries;

(c) Flood hazard areas as designated on FEMA flood hazard boundary maps;

(d) Watercourses and wetlands;

(e) Any unique natural features including wooded areas; and

(f) Location and dimensions of all existing structures. The structure must be labeled (e.g., existing warehouse, dwelling) and use must be labeled as well (e.g., storage of contractor's equipment, single-family residence.) Each structure must delineate its square footage and dimensions to existing and/or proposed lot lines. Structures include:

1. Buildings;

2. Wells;

3. Fences;

4. Septic tank and septic field locations;

5. Retaining walls;

6. Utility poles;

7. Walkways;

8. Signs;

9. Location, dimensions and uses of each existing platted street, highway, railroad or utility easement;

10. Identification of parks and other public open space within or adjacent to the proposed development;

11. Existing parking spaces, number, dimensions and drives;

12. AI1 existing storm and sanitary sewer lines, water lines, gas lines, culverts or other underground installations within the proposed development or immediately adjacent, with pipe size (if available) and locations shown;

13. Layout, lot numbers and scaled dimensions of each lot in each block of any proposed subdivision;

14. Names, locations and dimensions of all proposed streets, roadways, alleys and pedestrian ways;

15. Other property lines, proposed right-of-way lines, building setback lines;

16. Location, dimensions and uses of any proposed street, highway, railroad or utility easements;

17. Existing and proposed parking spaces with dimensions and class (including handicapped) with a notation of the number of spaces required and the number provided. Proposed parking drive areas with proposed direction of traffic flow;

18. Access to all public or private streets and radius of curvature of ingress and egress drives;

19. Circulation patterns of traffic;

20. Location, intensity, height, spacing and shielding of all exterior lighting; and

21. Locations of outside refuse collection areas, and the type of screen to be provided to enclose the container from the public view.

(4) The following information shall also be noted on the plan:

(a) Date site plan was prepared or date when surveyed;

(b) North arrow and scale of drawings;

(c) Title block including the name, address, phone number and profession of the person preparing the site plan or plat, and the architect's, engineer's or surveyor's professional seal, the date and the date of all revisions. Title blocks shall meet requirements of state law;

(d) Name, address, phone number and signed consent of all property owners;

(e) Ownership, land-use and zoning of all adjoining properties within 500 feet of the proposed development, and when adjoining properties are part of a recorded subdivision, the name of that subdivision;

(f) Type of water supply and sewage disposal and if storm sewer is available; and

(g) Other information deemed necessary by the Planning Commission or Board.

(C) *Review of site plans*. Unless specified otherwise in this ordinance for land division applications, a site plan may be approved by the Zoning Administrator upon concurrence of all the appropriate county departments or other appropriate agencies as indicated on a site plan review form.

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

§ 3.06 SUBDIVISION REGULATIONS.

(A) *Introductory provisions*.

(1) *Purposes and intent*. This ordinance is enacted for the following purposes: to safeguard the best interests of the county, the homeowner, the subdivider, the township and local municipalities within the county; to encourage well planned subdivisions by the establishment of adequate standards for design and construction; to secure the rights of the public; to discourage inferior development which might adversely affect property values; to prevent piecemeal planning of subdivisions; to improve land records by establishing standards for surveys and plats; and to establish subdivision development standards compatible with affected municipalities.

(2) *Jurisdiction*. The regulations herein governing plats and the subdivision of land shall apply to all areas of the county lying outside the incorporated limits of municipalities with the exception of the area up to two miles of a municipality whereby such municipality, by resolution, has extended the application of such regulations pursuant to M.S. § 462.358, Subdivision 1a, as it may be amended from time to time, and with the exception where a town has adopted subdivision regulations pursuant to M.S. § 368.01, as it may be amended from time to time.

(3) *Application of ordinance*. Any plat, or survey as applicable, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivisions of a lot, parcel or tract of land for the purpose of immediate or future transfer of ownership, including the re-subdivision or re-platting of lots or parcels and common interest community lots. A lot, parcel or tract of land, for purposes of this section is a designated area of land described and recorded with the County Recorder as of May 17, 1983.

(4) *Exemptions*.

(a) Subdivision approval shall not be required for those properties that qualify under one or more of the following exemptions:

1. Correction of engineering, drafting or surveying errors;

2. Combining of two or more lots into a single lot, provided a covenant acceptable to the Zoning Administer is recorded with the County Recorder;

3. Subdivision of a parcel of record to increase the size of two or more adjacent substandard parcels of record or to attach a residence to a feedlot owned by the same party, provided that a covenant acceptable to the Zoning Administrator to combine the parcels for purposes of sale and/or development is recorded with the County Recorder, and that a certificate of survey, prepared by a licensed surveyor, accompanies the covenant;

4. Adjustment of common boundary lines between adjoining property owners, providing that the adjustment results in no violation of this ordinance and a certificate of survey, prepared by a licensed surveyor, must be submitted to the Planning and Zoning Department and to the County Recorder;

5. Partition of lands by will or through action of a court of competent jurisdiction, unless or until development of the land is proposed;

6. Where a property has been changed in size or shape by reason of the taking of a part of such property for public use by reference to a properly drawn and recorded plat, such as a right-of-way plat; provided, that the outlines and dimensions of such remainder may be clearly determined by references to the previously recorded plats; and/or

7. Subdivisions and property boundary alterations that are the direct result of construction and operation activities of utilities exempted by state statute.

(b) All plats lawfully recorded prior to the effective date of this ordinance shall not be subject to the provisions contained herein.

(5) *Land suitability requirement*. No land shall be subdivided which is held unsuitable by the county for the proposed use because of any of the following conditions:

(a) Flooding;

(b) Inadequate drainage;

(c) Soil and rock formations with severe limitations for development;

(d) Severe erosion potential;

(e) Unfavorable topography;

(f) Inadequate water supply or sewage disposal capabilities; and

(g) Any other feature likely to be harmful to the health, safety or welfare of the future residents and or development of the proposed subdivision or of the community.

(6) *Approvals necessary for acceptance of subdivision plats*. Pursuant to subsection (D) below (plats submission procedure and data), before any plat shall be recorded or be of any validity, it shall be reviewed by the Planning Commission and approved by the Board of County Commissioners as having fulfilled the requirements of this ordinance. Where any municipality has adopted extraterritorial subdivision regulations as provided by the M.S. § 462.358, as it may be amended from time to time, any proposed plat lying within two miles of the municipality shall conform to the procedures as prescribed by the municipality.

(7) *Compliance*. No plat or any subdivision shall be entitled to record in the County Recorder's office or have any validity until the plat, or survey as applicable, thereof has been prepared, approved and acknowledged in the manner prescribed by this ordinance.

(8) *Zoning permits*. No building permits shall be issued by the county for the construction of any building, structure or improvement to the land or to any lot in the subdivision, as defined herein, until all requirements of this ordinance have been complied with.

(9) *Limited jurisdiction*. This ordinance shall be subject to the rules and regulations governing plats and subdivision of land in areas where a municipality has adopted extra territorial jurisdiction in the county. All applications for plats in areas of the county, which municipalities have by resolution extended subdivision jurisdiction and in towns who have subdivision regulations, shall be made to the regulatory power.

(B) *Minor and major subdivisions*.

(1) *Minor subdivision*.

(a) *When required*. A minor subdivision is required for proposed land divisions that will result in:

1. A parcel of land of at least one acre at a density of one unit per quarter-quarter section in the A- Agricultural District or LR- Limited Residential Districts;

2. A parcel that is subdivided for a purely agricultural purpose with a covenant approved by the County Planning and Zoning Administrator prohibiting residential use; or

3. A parcel or parcels created in the A-1 Agriculture Protection District as a receiving site or sites pursuant to process described in § 6.09, Transfer of Development Right (TDR). The minor subdivision may only be authorized following the recording of an appropriate protective easement or easements on a standing site or sites and only at the densities described in § 6.09, Transfer of Development Right (TDR).

(b) *Application*. The applicant for a minor subdivision shall submit a sketch plan of the proposed new lots the information requirements of this subsection together with an application for a zoning permit meeting the requirements found in § 3.02, Zoning Permits.

1. *Survey required*. For all new lots five acres or smaller the applicant shall file a survey prepared and signed by a licensed land surveyor to the Zoning Administrator of the land to be divided or consolidated.

2. *Survey exemption*. For any minor subdivision that does not include any lots of five acres or smaller the new lots may be recorded with the metes and bounds description.

3. *Deed history*. The applicant shall provide the parcel's deed history dating back to the first implementation of subdivision regulations (May 17, 1983).

4. *Drawing*. The applicant shall submit any drawing in a Geographic Information System (GIS) electronic format and/or in an AutoCAD format that meets the standards of the Zoning Administrator.

(c) *Administrative approval of application*. After the submission of a completed application and sketch plan, the Zoning Administrator shall review the application and sketch plan.

1. *Thirty-day review*. The Zoning Administrator shall within 30 days, approve with conditions, or disapprove the application and sketch in writing and advise the applicant of any stipulations or conditions that are required in the layout or character of development. The Zoning Administrator may choose to submit the application to other county departments for review; however, such review shall be accommodated within the review period stated above.

a. *Signed applicant acknowledgment required*. The applicant shall certify in writing that he or she agrees to all requirements or conditions as stipulated in the Zoning Administrator's approval.

b. *Intended use*. All parcels being created for the purpose of residential, commercial or industrial use can comply with all requirements of this article, meet all relevant zoning and development standard requirements for the intended use including minimum dimensions and setbacks, and that the new lot includes frontage on an existing publicly dedicated road or highway.

2. *Appeal of application review*. Within 30 days of receipt of the Zoning Administrator's action, the applicant may appeal any disapproval or any additional requirements or conditions stipulated in the Zoning Administrator's approval. The application and sketch plan shall then be forwarded to the Planning Commission for consideration at the next regularly scheduled meeting. For the purpose of reviewing the application and sketch plan, the Planning Commission may hold one or more public hearings. Following review, the Planning Commission shall recommend to the County Board approval, approval with conditions or denial of the application. The County Board, at a regularly scheduled meeting, will then make the final decision.

(2) *Major subdivision (revised by ordinance amendment 9-16-09).*

(a) A major subdivision is required for:

1. Proposed land divisions that will result in more than one lot;

2. Divisions that would create an increase in residential density greater than provided for within the code; or

3. For any division of land for which development of a new public or private street or access serving more than one parcel is required.

(b) Major subdivisions must follow the sketch plan, preliminary plat and final plat submittal procedures, plat document requirements, and all other applicable requirements of this ordinance. This section does not apply to parcel splits that are exempted as described herein.

(C) *Design standards.*

(1) *General.* Design standards shall assure that the layout of the subdivision is in harmony with existing adopted plans affecting the development of its surroundings and shall be in harmony with existing development unless the proposed development is part of a larger redevelopment plan.

(a) The County Board may designate that unique and irreplaceable natural features which add value to all developments in the county, such as trees or groves, watercourses, beaches, historic spots, vistas and other similar irreplaceable assets shall be preserved within the development.

(b) Loop streets and other street designs which minimize the need for cul-de-sacs and maximize access for public safety and county maintenance vehicles shall be encouraged.

(2) *Blocks.*

(a) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways or lakeshores.

(b) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, block lengths shall normally not exceed 1,320 feet, nor be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length. In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the County Board through the center of blocks more than 800 feet long where deemed essential to provide circulation of pedestrian access to playgrounds, transportation, shorelands or other, community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable for the prospective use.

(3) *Lots.*

(a) The minimum lot area, lot width and lot depth shall conform to the requirements of the zoning district, except in cases where a lot is dedicated as an outlot (undevelopable), whereby a deed restriction filed with the county shall permanently prohibit building a structure on the lot.

(b) No newly created lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least 66 feet on at least one street, road or private lane, except

50 feet minimum may be allowed where no further division or parcels or lots can be created, or if fronting on a private lane. Where a lot that meets qualifications of a legal lot of record as of the effective date of this ordinance does not abut a street, road, or private lane, access may be provided to a public road by an exclusive, unobstructed private easement of access with a minimum width of 30 feet.

(c) Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the county zoning ordinance.

(d) When possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

(e) Double frontage lots shall be avoided except where backing on a highway or other arterial road, or where topographic or other conditions render other designs unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the rear lot line.

(f) Every lot must have sufficient frontage on a public dedicated road or street other than an alley, provided, that where private roads are permitted such frontage may be on a private street.

(g) Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel.

(h) For major subdivisions, no lot shall have more than six sides and, unless in the A Agricultural District, panhandle lots are prohibited.

(4) *Roads, highways, streets and alleys*.

(a) The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater and to the proposed uses of the area to be served.

(b) Where new streets extend existing adjoining streets, their projection shall be at the same or greater width, but in no case less than the minimum required width.

(c) Within major subdivisions, street stub linkages shall be provided among adjoining existing and proposed subdivisions in order to allow convenient and effective travel among subdivisions.

1. Street stub linkages shall be provided at a ratio of at least one linkage street right-of-way per 800 linear feet of subdivision or land development boundary line, which adjoins vacant or undeveloped land, unless determined to be unnecessary by the Planning Commission.

2. Street stub linkages shall be planned and constructed to the subdivision or land development boundary line. If the stub is in excess of 100 feet in length, then a temporary paved turn-around area shall be provided.

3. When the adjoining land is developed, its street system must connect with and incorporate the previously constructed street stub linkages.

(d) Half streets shall be prohibited except where the County Board finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided or when an easement for the other half is dedicated. In such event, access to the half street shall be prohibited until such adjoining property is subdivided.

(e) Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate names, including phonetically similar names, elsewhere in the county excepting, municipalities.

(f) Where a major subdivision is to be located adjacent to a collector road the County Board shall require that lots back onto those thoroughfares and be landscaped to provide a buffer zone. Access to the interior lots shall either be a cul-de-sac or designed as a U-shaped or loop street.

(g) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(h) Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.

(i) Except as linkage street-stubs, dead-end streets shall be prohibited, but cul-de-sacs will only be permitted when, because of topography or other conditions, the subdivider can prove to the satisfaction of the Planning Commission that no reasonable alternative exists. Cul-de-sacs shall not be longer than 500 feet. Turn-arounds shall have a minimum outside roadway diameter of 60 feet and a right-or-way diameter of not less than 70 feet.

(j) Local streets are intended for access to abutting property and shall be so aligned that their use by through traffic shall be discouraged*.

(k) Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 70 degrees. It must be evident that safe and efficient traffic flow is encouraged. No intersection shall contain more than four “corners”. Street jogs with centerline off-sets of less than 125 feet shall be avoided.

(l) For all streets rights-of-way hereafter dedicated and accepted, the following minimum right-of-way width and grades shall be met:

Street Classification	***Min Width R.O.W.***	***Min Driving Width***	***Max Grade***	***Min Drainage Grade***
Alley	20 feet	16 feet	8%	0.5%
Local streets* and roads	66 feet	24 feet	8%	0.5%
Major arterial	100 feet	60 feet	5%	0.5%
Minor arterial/collector	80 feet	44 feet	5%	0.5%
Pedestrian way	10 feet	-	-	
Service access roads	50 feet	24 feet	8%	0.5%

(m) State Department of Transportation Standards for horizontal and vertical alignment, grades and the like, shall also be complied to meet county and township standards.

(n) Private streets or roads may be permitted provide these streets or roads meet the approval of the County Board and standards set forth in this ordinance. No person shall sell any parcel of land in a subdivision if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or county.

(o) Minor street access to state and federal highways shall not be permitted at intervals of less than 600 feet.

(p) Street names shall be determined by the Zoning Administrator.

(5) *Easements*.

(a) An easement for utilities at least six feet wide, shall be provided along the side of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least 12 feet in width. If necessary for the extension or construction of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(b) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the County Board, after review by the Planning Commission.

(c) Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.

(d) Where a subdivision contains or is traversed by a watercourse, drainageway, channel, lake or stream, a stormwater easement, drainage right-of-way or park dedication, whichever the County Board may deem the most appropriate, conforming substantially with the lines of such watercourses, shall be provided, together with such further width or construction, or both, as will be adequate for the stormwater drainage of the area. The width of such easements shall be determined by the County Engineer.

(6) *Monuments*.

(a) All plats must depict that durable magnetic markers have been set at all angle and curve points on the outside boundary lines prior to recording the plat. The plat must also indicate that all interior block, lot and witness monuments shall be set within one year after recording the plat.

(b) Monuments may be either stone or concrete, or steel bars or iron pipes of least one-half inch in diameter and 14 inches long and shall have affixed thereon the license number of the land surveyor certifying the plat.

(c) All monuments shall be certified for accuracy by the owner's surveyor.

(d) It shall be responsibility of the subdivider to ensure that all monuments and markers are maintained in good condition during and following construction and development. All section, quarter section, and sixteenth section corner monuments shall be completely and adequately described and tied.

(7) *Stormwater management facilities*.

(a) *Location*. The applicant may be required by the County Board to infiltrate or carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such management facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications outlined in this section, as required in the applicant's NPDES permit, and specified by the County Engineer.

(b) *Accessibility to public storm sewers*.

1. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities or if no outlets are within a reasonable distance, adequate provision shall be made for the management of stormwaters, subject to the specifications reviewed by the County Engineer and the specifications of the applicant's NPDES permit.

2. If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer and the County Board, the developer shall make arrangements for future stormwater management by a public utility system. Provision for such connection shall be incorporated by Inclusion in the performance bond required for the subdivision plat.

(c) *Accommodation of upstream drainage areas*. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall review plans and specifications provided by the applicant's engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning ordinance.

(d) *Effect on downstream drainage areas*. The ~~Soil Conservation Service and/or the~~ County Board shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the subdivision's post-development stormwater runoff will overload an existing downstream drainage facility, the County Board may withhold approval of the subdivision until provision has been made to adequate accommodate the post-development stormwater runoff. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(e) *Floodplain areas*. The County Board, may when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps except at the discretion of the County Board.

(8) *Public sites and open spaces*.

(a) Where a proposed park, playground or open space is located in whole or in part in a subdivision, the County Board shall require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township, county or to a homeowners' association responsible for maintenance, by the subdivider if the County Board approves such dedication.

(b) The Planning Commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.

(c) In all new major subdivisions the Planning Commission shall require 5% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements or other public ways, or contribute fee-in-lieu to a capital fund for recreational facilities. When a subdivision

is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required by the county to pay a fee equal to 5% of the land value prior to subdivision. The land value shall be determined by utilization of assessment records and formulas that apply thereto of the land subdivided at its highest and best use. There may be additional open space requirements under the conservation subdivision requirements in subsection (F) below.

(d) Where a private park, playground or other recreational area shall have been drawn on the final plat, the County Board may also require the filing of a written agreement between the applicant and the lot owners covering the cost of grading, development, equipment and maintenance of any such recreation area.

(e) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per lot cash fee must apply only to the net increase of lots

(9) *Copies of plats supplied to Commission.* Copies of all plats within shoreland areas approved by the county shall be submitted to the ~~Commissioner~~ respective Department of Natural Resources a-Area Hydrologist within ten days of approval by the county.

(D) *Plats; submission procedure and data.*

(1) *Sketch plan.*

(a) Prior to the filing of an application for approval of the preliminary plat, the subdivider shall submit for review with the Zoning Administrator and Planning Commission, subdivision sketch plans which shall contain the following information: tract boundaries; north point; description of nature and purpose of tract; streets on and adjacent to the tract; significant topographical and physical features; proposed general street layout; and proposed general lot layout.

(b) Such sketch plans will be considered as submitted for informal and confidential discussion between the subdivider, the Zoning Administrator, and the Planning Commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat with the Commission.

(c) As far as may be practical on the basis of a sketch plan, the Commission staff will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this ordinance and will discuss possible plan modifications necessary to ensure conformance.

(2) *Preliminary plat.*

(a) *Procedure.*

1. *Report.* The County Planner shall submit a report to the Planning Commission concerning the feasibility of the proposed plat and its conformance with the requirements of this ordinance. If the County Engineer is submitting the preliminary plat, the report shall be submitted by another qualified person who shall be selected by the Planning Commission.

2. *Recommendations of the affected townships, Soil and Water Conservation Districts and Watershed District.* The developer shall submit the preliminary plat to the affected township (to the Township Clerk by certified mail or hand delivery with written acknowledgment), soil and water conservation district, and watershed district when the preliminary plat has been submitted to the

Planning and Zoning Department. The affected township, soil and water conservation district and watershed district shall have 25 days from the date the preliminary plat was submitted to the Planning and Zoning Department in which to submit its written recommendation to the Planning and Zoning Department, regarding the proposed preliminary plat. Such recommendation shall indicate approval or disapproval, reasons for such a recommendation and may include recommended changes to the proposed preliminary plat. If no recommendation is forthcoming from the township within the 25 days or if a written recommendation is received in less than 25 days, the Planning Commission may proceed with the necessary public hearing. The application shall not be considered complete until comments have been received by the impacted township, the township has waived any rights to comment or the township's 25-day review period has expired.

3. *Consideration by the Planning Commission*. A petition for approval of a preliminary plat shall be submitted to the Planning Commission which shall hold a public hearing on the petition within 30 days of its submission to the county. Notice of the time, place, subject matter and purpose of the public hearing shall be published in the official newspaper of the county at least ten days before the hearing. Written notice of the public hearing shall also be sent at least ten days before the hearing to all owners of record within one-half mile of the affected property and also to the affected board of town supervisors and municipal council of any municipality within two miles of the affected property. After completion of it deliberations, the Planning Commission shall within ten days make a recommendation to the Board of County Commissioners along with a report on its findings. In case the plat is disapproved, the subdivider shall be notified of the reason for such action.

4. *Consideration by the County Board*.

a. A petition for approval of a preliminary plat which has been reviewed by the Planning Commission shall be submitted to the County Board which shall hold a public hearing thereon and either disapprove or approve the petition within 60 days of the submission of a completed application to the county. Notice of the public hearing shall be given in the same manner as provided in § 3.01(C) (Notification Requirements). After completion of its deliberations, the County Board shall within 60 days of the submission of a completed application to the county act on each plat, which has been recommended for approval by the Planning Commission.

b. A petition for approval of a preliminary plat which has been disapproved by the Planning Commission may be submitted to the County Board by the petitioner. The petitioner shall have the right to petition within 30 days after receipt of notice of the decision by the Planning Commission. The County Board shall hold a public hearing thereon and either disapprove or approve the petition. Notice of the public hearing shall be given in the same manner as provided in § 3.01(C) (Notification Requirements).

c. Approval or disapproval of the preliminary plat shall be conveyed to the subdivider in writing within 60 days of the submission of a completed application to the county. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the County Board. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval of the preliminary plat shall be effective for a period of six months, unless an extension is granted by the County Board.

d. The subdivider may file a final plat limited to such portion of the preliminary plat which he or she proposes to record and develop at the time, provided that such portion must conform to all requirements of this ordinance. If some portion of the final plat has not been submitted to the County

Board for approval within this period, a preliminary plat must again be submitted to the Planning Commission and County Board for approval.

(b) *Data required*. The subdivider shall prepare and submit a preliminary plat as follows, together with any necessary supplementary information:

1. *Filing*. Six copies of a preliminary plat of any proposed subdivision shall be filed with the Zoning Administrator.

2. *Contents*. The preliminary plat shall contain the following information:

a. Proposed name of subdivision, names shall not duplicate or too closely resemble names of existing subdivisions;

b. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property;

c. Names and addresses of the subdivider and the designer making the plat;

d. Graphic scale of plat, not less than one inch to 100 feet and indicated scale;

e. Date and north point;

f. Existing conditions:

i. Location, width, and name of each existing or platted street, road or other public way, railroad, the utility right-of-way, parks, wildlife and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivision;

ii. All existing sewers, water mains, gas mains, culverts, power or communication cables or other underground installations within the proposed subdivision or immediately adjacent thereto;

iii. Location of environmentally sensitive areas including floodplains, shoreland areas, steep slopes, wetlands and other natural features that affect the suitability of the land for the intended purpose; and

iv. Topographic data with a contour interval of not move than two feet and supplemental of one foot in extremely flat areas; watercourses, lakes, delineated wetlands, wooded areas, rock outcrops, power transportation poles and lines, gas lines, steep slopes, areas with hydric soils and other significant existing features for the proposed subdivision and adjacent property;

g. Proposed development:

i. The location and width of proposed streets, roads, alleys, pedestrian ways and easements and gang or group mailboxes. Typical road cross-sections shall be provided showing grading within the right-of-way, traveled way width, type and thickness of surfacing proposed, base course thickness and type. The road shall show any connections with adjacent local streets or possible future connections with streets on adjacent undeveloped property;

ii. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the County Public Health Officer and County SSTS standards, and the plan for such facilities certified by the subdivider's licensed engineer or licensed septic system installer;

iii. Layout, numbers and approximate dimensions of lots and the number of each block;

iv. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of the land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation;

v. Building setback lines with dimensions;

vi. Indication of any lots on which a use other than residential is proposed by the subdivider; and

vii. The zoning district, if any, on and adjacent to the tract.

h. Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings;

i. Any soil tests and reports that may be required by the County Engineer, shall be completed by an approved soils laboratory;

j. An approximate grading plan and sediment and erosion control plan that is in compliance with the site's NPDES permit;

k. All lands proposed to be dedicated to public use and the conditions of such dedication;

l. A copy of all proposed private restrictions;

m. A notarized certification of approval by the owner and by any mortgage holder of the property of the adoption of the plat and the dedications required by this ordinance;

n. A current written title opinion from a qualified attorney certifying that the fee simple title to the premises is owned by the developer. The final plat shall also contain a statement in the same effect and signed by a qualified attorney; and

o. The subdivider shall provide the subject parcel's deed history dating back to the first implementation of subdivision regulations (May 17, 1983).

(c) *Supplementary requirements*. Upon request of the Planning Commission, supplementary information shall be submitted; such supplementary information may include the following:

1. Two copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the centerline. The location of proposed culverts and bridges shall also be shown; and

2. Proposed surface drainage diagrams for lots in the form of arrows, proposed contours or other appropriate method.

(3) *Final plat*.

(a) *Procedure*. After the preliminary plat has been approved, the final plat may be submitted for approval as follows.

1. *Report*. The County Planner shall submit a report to the Planning Commission regarding the conformance of the proposed final plat to the approved preliminary plat, the requirements of this ordinance and all provisions of the state statutes regarding the platting of land.

2. *Review of the Planning Commission and notice requirements*. A petition for approval of a final plat shall be submitted to the Planning Commission which shall hold a public hearing on the petition. Notice of the time, place, subject matter and purpose of the public hearing shall be published in the official newspaper of the County at least ten days before the hearing. Written notice of the public hearing shall also be sent at least ten days before the hearing to all owners of record within one-half mile of the affected property or to the nearest ten property owners whichever would provide to the greatest number of owners and also to the affected board of town supervisors and to the Township Clerk (by certified mail or hand delivery with written acknowledgment), and the municipal council of any municipality within two miles of the affected property. After completion of its deliberations, the Planning Commission shall within 60 days make a recommendation to the County Board along with a report on its findings. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

3. *Approval of the County Board.* A petition for approval of a final plat which has been reviewed by the Planning Commission shall be submitted to County Board which shall hold a public hearing thereon and either approve or disapprove the petition. Notice of the public hearing shall be given in the same manner as provided in § 3.01(C) (Notification Requirements). The County Board shall act on each plat forwarded by the Planning Commission within 30 days after submission to County Board, if accepted the final plat shall be approved by resolution which resolution shall provide for the dedication of all streets, roads, alleys, easements or other public ways and parks or other open spaces dedicated to public purposes. If disapproved, the grounds, for any refusal to approve a plat shall be set forth in the proceedings of the Board and reported to the subdivider applying for such approval. Once approved, the final plat shall be recorded within 90 days of the date of Board approval. A final plat not so filed and recorded within 12 months of the date upon which the plat is approved shall become null and void.

(b) *Data required*. The subdivider shall submit a final plat together with any necessary supplementary information.

1. *Filing*. Eight copies of a final plat shall be filed with the Planning Commission.

2. *Contents*. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and as required below:

a. Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision;

b. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must be mathematically close. The allowable error of closure on any portion of final plat shall be two-tenths of a foot;

c. The location of monuments shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established road lines, in true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency or road lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half inch or larger in diameter and be a minimum of 14 inches long. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all

markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter;

d. Location of lots, streets, roads, highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines;

e. Lots shall be numbered clearly. Blocks shall be shown clearly in the center of the block;

f. The exact locations, widths and names of all public ways to be dedicated;

g. Location and width of all easements to be dedicated;

h. Name of subdivider and surveyor making the plat;

i. Scale of plat (the scale to be shown graphically and in feet per inch), date and north point;

j. Statement dedicating all easements as follows: Easements for installation and maintenance of public utilities and drainage facilities are reserved over, under and along the strips marked “utility easements”;

k. If the plat contains areas within the floodplain, restrictive deed covenants shall be filed with the final plat and shall provide that the floodplain areas be left essentially in the state shown on the plat; and require that any additions or modifications to these facilities will not violate any provisions of the floodplain zoning ordinance or supplemental regulations;

l. An attorney’s opinion of title showing title or control of the property to be subdivided;

m. A complete set of street profiles showing the grade as constructed;

n. Copies of private restrictions affecting the subdivision;

o. A notarized statement from the County Auditor certifying that there are no delinquent taxes on the property to be subdivided; and

p. An electronic Geographic Information Systems (GIS) submission of the approved final plat that meets the standards of the Zoning Administrator.

(c) *Filing fee*. The final plat shall be accompanied by a fee as established by the County Board. Such fees to be used for the expense of the county in connection with the review, inspection, approval or disapproval of the plat which may thereafter be submitted.

(d) *Certification required*.

1. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, roads and other public areas;

2. Notarized certification by a licensed land surveyor, or county surveyor, to the effect that the plat represents a survey made by him or her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct;

3. Certification showing that all taxes and special assessments due on the property have been paid in full; and

4. Space for certificates of review to be filled in by the signatures of the Chairperson of the Planning Commission and certificate of approval by the Chairperson of the County Board. The forms of approval by the Planning Commission are as follows.

Reviewed by the Waseca County Planning Commission this ____day of _____, 20____.

Signed: _____

Chairperson: _____

Attest: _____

Secretary _____

The form of approval of the Board of County Commissioners is as follows:

Approved by Waseca County Board of Commissioners, Minnesota this _____ day of _____, 20__.

Signed: _____

Chairperson, Board of County Commissioners

Attest: _____

County Auditor _____

The form of approval by the Waseca County Surveyor or a licensed land surveyor is as follows:

Examined and recommended for approval this _____ day of _____, 20___.

Signed:

_____

Waseca County Surveyor or

Licensed land surveyor No._____

(for plat submitted by County Surveyor)

(e) *Supplementary documents and information*. Supplementary documents and information may be required as follows:

1. A complete set of the proposed street profiles showing the proposed grade lines as proposed to be constructed;

2. Copies of any private restrictions affecting the subdivision or any part thereof;

3. Signatures of municipal or township officials approving the plat, when such approval is required by state law; and

4. At least one print of the final plat shall be deposited with the County Auditor. This print shall contain the calculated square footage or acreage of all lots and outlots shown on the plat.

(E) *Required improvements*.

(1) *General*.

(a) *Developer agreement required*. Before a final plat is approved by the County Board, except in the case of minor subdivisions wherein the Commission imposes no condition or conditions for the approval of the plat, the subdivider shall execute and submit to the County Board an agreement, which shall be binding on his or hers or their heirs, personal representatives and assigns, stating:

1. The subdivider will develop the subdivision according to the development phases agreed upon by the county and the subdivider; stating specifically the development phases;

2. The subdivider will cause no private construction to be made on the plat or file or cause to be filed any application for permits for such private construction until all improvements required under this ordinance and those denoted on preliminary plat have been made for each development phase;

3. The subdivider will furnish and construct the improvements at his or her sole cost and in accordance with plans and specification of the preliminary plat and of this ordinance;

4. The Board of Commissioners may accept a final plat for recording where the owner and/or developer of the platted subdivision furnished a certified check, surety bond or other method of financial assurance acceptable to the Board of Commissioners, in sufficient amount to cover the construction costs of improvements required by this article, and/or agreed to by the subdivider. All improvements allowed to be deferred in this section shall be completed as specified in subsection (E)(1)(b) below;

5. The subdivider will guarantee completion of the required improvements within two years from the date the final plat was approved by the County Board unless an extension of time is granted by the County Board upon the recommendation of the Planning Commission; and

6. The subdivider agreement shall also be the responsibility party and source of funding to ensure the long-term maintenance of improvements that are not dedicated to the county.

(b) *Financial guarantee required*.

1. Developers shall be allowed to complete roads and other public improvements prior to recording of the final plat. This work shall be completed within one year of approval of the plat. If the improvements are not completed within a year, the Board of Commissioners may accept a final plat for recording where the owner and/or developer of the platted subdivision furnished a certified check, surety bond or other method of financial assurance acceptable to the Board of Commissioners, in sufficient amount to cover the construction costs of improvements required by this article, and/or agreed to by the subdivider. All improvements allowed to be deferred in this section shall be constructed within two years of approval of the plat, unless an extension of time is applied for and granted by the Planning Commission and Board of Commissioners, as set forth in herein. New or adjusted Engineer's cost estimates shall be reviewed by the County Engineer to determine whether they adequately reflect current construction costs when extensions of time are requested, or at any other time deemed appropriate by the County Engineer.

2. The subdivider's engineer of record shall present a final itemized cost estimate for required and proposed improvements to the Planning Department with the final plat. Such engineer's cost estimate shall be forwarded to the County Engineer for review and verification of costs. If the estimate for required improvements is deemed acceptable, the County Engineer shall certify the amount to the Board of Commissioners.

3. The amount of such certified check or surety bond shall be determined by the County Engineer and the stipulated period covered by such bond shall generally be for a period of one year. In no case, however, shall the period of performance bonds exceed two years.

4. The subdivider may make application for release of portions of his or her performance bond, or other approved method of financial assurance, as required improvements are completed and certified to the County Engineer. Such request and certification shall be by subdivided engineer of record. Application for release of portions of the bonded indebtedness by the engineer of record shall state the extent of construction completed and amount to be released. Certification shall be accomplished via submission of as-built plans and such testing data as required by the County Engineer. Releases shall be in increments approximately equal to 25% of the bonded indebtedness.

(c) *Subdivider's engineer certification of improvements*. No final plat shall be approved by the County Board without first receiving a report from the subdivider's engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. A report from the County Engineer shall confirm the subdivider's engineer's certification.

(d) *County Engineer inspections required*. All of the required improvements to be installed under the provisions of this ordinance shall be inspected during the course of the construction by the County Engineer. All of the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in this subsection (E) (Required Improvements).

1. *Inspection of improvements*. At least ten days prior to commencing construction and at least ten days prior to the completion of construction of required improvements, the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the anticipated commencement and anticipated completion of improvements so that they may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required. The County Engineer may designate a consulting engineer licensed in the state to complete this work. If a consulting engineer is utilized, all expenses incurred shall be paid by the subdivider.

2. All County Engineer and Zoning Administrator inspections and construction plan reviews shall be at the expense of the subdivider. If the County Engineer and/or County Zoning Administrator finds upon inspection that any of the required improvements have not been constructed in accordance with the county's construction standards and specifications, the subdivider shall be responsible for completing the improvements. Whenever the cost of improvements is covered by a performance bond or an escrow deposit, the applicant and the bonding company shall be severally and jointly-liable for completing the improvements according to specifications.

(e) *Construction plans required*. Construction plans for the required improvements conforming to adopted standards of this ordinance shall be prepared at the subdivided expense by a professional engineer. Such plans, together with the quantities of construction materials, shall be submitted to the County Engineer at the direction of the County Board for his or her review and comment. The County Engineer may designate a consulting engineer licensed in the state to complete this work. If a consulting engineer is utilized, all expenses incurred shall be paid by the subdivider. The subdivider shall also pay for the cost of the County Engineer's review. Upon approval, the plans shall be the basis of the cost portion of the contract described herein. The tracings of the plans reviewed by the County Engineer plus two prints shall be submitted and placed on file with the County Engineer. Plans for the installation of gas and electric facilities shall be submitted to the

County Engineer and Zoning Administrator upon their submission and approval by the appropriate utility agencies. The appropriate utility agencies shall have approved the plans prior to the approval of the final plat. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

(f) *Modification of the design of improvements*. If at anytime before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the County Engineer may, upon approval by the Chairperson of the County Board, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required. The County Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

(g) *Proper installation of improvements*. If the County Engineer and/or County Zoning Administrator shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he or she shall so report to the County Board and Planning Commission. The Zoning Administrator then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the county's rights under the bond.

(h) *Public acceptance of required improvements*. Approval by the County Board of a final plat shall not be deemed to constitute or be evidence of any acceptance of any municipality, town, county or the state of any street, required improvement, easement, or other right-of-way shown on such final plat unless specifically so stated on the final plat. The acceptance shall be made by the County Board of a municipality, town, county or state.

(i) *Certificate of satisfactory completion*. The County Board will not release nor reduce a performance bond until all requirements have been satisfactorily completed. After review and inspection of the required improvements by the County Engineer, the County Board shall require a statement from the subdivider's engineer certifying that the required improvements are satisfactorily completed. The County Engineer may designate a consulting engineer licensed in the state to complete this work. If a consulting engineer is utilized, all expenses incurred shall be paid by the subdivider.

(j) *Maintenance of improvements*. A subdivider shall be required to maintain all improvements within the subdivision until acceptance of the improvements by the County Board or affected town board. For improvements not accepted or dedicated to the county, the subdivider shall execute and submit to the County Board an agreement, which shall be binding on the subdivider, the subdivider's heirs, personal representatives and assigns, which provides for the long-term maintenance of the improvements.

(2) *Road and highway improvements*.

(a) The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the County Board.

(b) All roads shall be improved with pavement in accordance with the standards and specifications for road construction as approved by the County Board.

(c) All roads to be paved shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Board.

(d) Storm sewers, culverts, stormwater inlets and other drainage facilities will be required where they are necessary to ensure adequate stormwater drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specification for road construction as approved by the County Board.

(e) Road signs of the standard design approved by the County Board shall be installed at each street or road intersection at the developer's expense.

(3) *Stormwater management facilities*. Every subdivision shall be provided with a stormwater management system adequate to collect and infiltrate or convey all water originating on or flowing across the property without inundating or damaging roads, lots or other property and consistent with the applicant's NPDES permit and the State Pollution Control Agency's Stormwater Manual.

(4) *Grading, sediment and erosion control*. As required by county standards, grading and sediment control plans shall be approved prior to the start of any grading, excavation, fill or other construction activities integral to the development of the subdivision, including roads, drainage ditches, sediment basins and buildings. The sediment and erosion control must be in compliance with the site's NPDES permit.

(5) *Accommodating future public water supply and sewerage facilities*.

(a) Where determined appropriate by the Planning Commission, subdivisions shall be designed so as allow for the future installation of community or 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.

(b) Where individual water supply and sewerage is used and future public utilities are designed to be accommodated, the plat shall include a note using language approved by the Planning Commission indicating that such systems are interim and that they shall be discontinued and connection made to public facilities when they become available.

(c) Every subdivision required to accommodate a future community or public water system shall provide an adequate number of appropriately spaced fire hydrants and other necessary fire protection facilities. The source of water supply and quantity and location of the fire hydrants and other fire protection facilities shall be sufficient as required by the city most adjacent to the proposed development.

(6) *Public utilities*.

(a) All utility lines for telephone and electric service shall be placed in rear line easements when carried on overheard poles.

(b) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements. If the subdivider successfully obtains a variance, after submitting information to the Board of Zoning

Adjustment that such a variance is required, to place utilities outside the public right-of-way, any future relocation of the utility due to road maintenance or construction efforts is the responsibility of the utility company.

(7) *Mailboxes*. Group, gang mailboxes or neighborhood box units are required for major subdivisions. Their location shall not obstruct vehicle or pedestrian traffic or be located within a roadside ditch; in addition, their location shall be at a place to provide maximum convenience to the postal carrier.

(F) *Conservation subdivision*.

(1) *Purpose*. The purposes of the conservation subdivision are:

(a) To implement the goals of the County Comprehensive Plan for protection of natural resources;

(b) To allow development that permanently preserves the open space, agricultural lands, woodlands, wetlands, critical views and other natural features of rural Waseca County;

(c) To allow limited development in rural areas that do not contain natural resources, such as agricultural and forest lands, and significant natural areas;

(d) To allow limited development in areas outside where urban services will not be extended;

(e) To connect open space, trails and recreation sites within the subdivision and to open spaces and recreational facilities of the county;

(f) To allow flexibility in the placement and type of dwelling units within the subdivision;

(g) To reduce the amount of new roads and to allow flexibility in road specifications for roads serving residences in the subdivision; and

(h) To reduce the amount of impervious surfaces in subdivisions, including driveways.

(2) *Development standards*.

(a) *Maximum residential density*. The maximum gross density of conservation subdivisions is 16 dwelling units per 40 acres.

(b) *Minimum lot size*. The average lot size of the conservation subdivision shall be not less than the minimum lot size of the underlying zoning district.

(3) *Common open space requirement*.

(a) Conservation subdivisions shall identify a conservation theme. Conservation themes may include, but are not limited to: forest preservation; water quality preservation; farmland preservation; or viewshed preservation. The conservation theme should guide the location and use of the designated common open space.

(b) Fifty percent of the total acreage in the application, including developable and undevelopable land, shall be designated as common open space for natural habitat, active or passive recreation and/or conservation or preservation, including conservation for agricultural and forestry uses.

(c) Where possible, designated common open space shall be contiguous with common open space uses on adjacent parcels in order to provide large expanses of common open space.

(d) Common open space in conservation subdivisions shall be physically connected, whenever possible, to adjacent open spaces. Designated public trail systems which abut a conservation subdivision shall be connected through the subdivision.

(e) Access shall be provided to designated active or passive recreation areas or open space or natural areas from one or more streets in the subdivision.

(f) Access will not be required if the common open space is to remain in active agriculture or forestry or if the natural areas contain habitat where public access should be limited.

(g) No more than 50% of the designated common open space shall be wetlands and/or floodplains.

(4) *Common open space ownership and management*. To ensure the continued existence and functioning of the common open space and the development as a community, the following administrative requirements shall be met.

(a) *Generally*. There shall be a development organization created and functioning for developments of more than eight lots or dwelling unit lots. Unless an equally effective alternative community framework is approved by the Planning Commission and established, when there is common open space or any other common element, all residential developments of more than eight lots or dwelling unit lots shall include an owners' association with the following features:

1. Membership shall be mandatory and automatic for each lot or dwelling unit lot owner and any successive owners.

2. Require that each owner in the development have an undivided ownership in the common open space and other common elements.

3. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.

4. Assessments shall be adjustable to accommodate changing conditions.

5. The association shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities, and shall enforce covenants, deed restrictions and easements.

6. The association shall have a long-term management plan for any common open space and shall administer the plan in accordance with the terms of the county's conservation easement on the common open space.

7. Amendments or revisions to covenants or deed restrictions. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements and operating rules and procedures associated with the development, for review and approval by the Planning Commission pursuant to M.S. § 515B.1-106, as it may be amended from time to time. Such documents shall provide that no amendments or revisions of covenants or deed restrictions may be made unless approved in advance by the Department and the Planning Commission. Any such amendments or revisions made without such approval shall not be effective.

(b) *Common open space preservation*. A permanent conservation easement to ensure perpetual preservation and maintenance of common open space shall be created and such easement shall not be modified or terminated without approval of the County Board. The form of the easement shall be approved by the county. The instruments of the easement shall incorporate the provisions of this subsection (F)(4) governing common open space, including, without limitation, all of the following protections:

1. Regulate construction impervious surfaces and/or recreation facilities in accordance with the long-term management plan;

2. Prohibit beaching of motorized watercraft when used as an unauthorized mooring space;

3. Prohibit dumping, storage or burning of solid or other wastes;

4. Allow the use of common open space for subsurface sewage treatment systems if other use of the space is restricted to avoid adverse impacts on the sewage treatment system; and

5. Restrict in perpetuity the common open space from further subdivision and/or land development.

(c) *Other common elements*. Common elements such as areas designated for storage of vehicles and personal property may be designated, provided that open space requirements are met, in accordance with the long-term management plan.

(d) *Residential developments of eight or more lots or dwelling unit lots with common open space*. The common open space may be retained by the landowner, owners' association and/or the developer and may be sold to any subsequent landowner, provided:

1. The common open space is surveyed;

2. The common open space remains undivided and is restricted from further development by means of a permanent conservation easement. The permanent conservation easement shall comply with the provisions of subsection (F)(4)(b) above;

3. The landowner, owner's association and/or the developer shall be responsible for insurance, taxes and maintenance of all common open space, property and facilities, and shall enforce covenants, deed restrictions and easements; and

4. The landowner, owner's association and/or the developer shall have and administer a long-term management plan for any common open space, property and facilities.

(e) *Notice; failure*. In the event the person or entity responsible for administration of the long-term management plan fails to administer and perform all or any portion of the plan relating to common open space, the county may serve written notice upon such person or entity setting forth the manner in which the such person or entity has failed to administer and perform the plan. The notice shall set forth the nature of corrections required and a reasonable time within which to complete corrective action. If corrective action is not completed within a reasonable time, the county may, but the county is not required to, assume responsibility for administration and performance of the plan with respect to such failures, and in furtherance of such action the county may enter the premises and take all corrective action as may be reasonable, including extended maintenance. The costs of such corrective action may be charged to the person or entity responsible for administration of the long-term management plan or individual property owners who make up a

homeowners' association and may include administrative costs. The costs shall become a lien upon and assessed against the properties that have the right of enjoyment of the common open space.

(5) *Common utilities.* Individual well and septic systems are allowed in conservation subdivisions; however, common utilities (shared water and/or sewer or septic systems) are an option. Common utilities shall meet State Pollution Control Agency standards for sewage treatment systems and be approved by the County Public Health Services Department. Communal drainfields for shared septic systems may be partially or completely located in designated open space, provided that:

(a) The dedicated open space parcel containing the communal drainfield is owned in fee by a owner's association which owns non-open space land within the subdivision and in which membership in the association by all property owners in the subdivision shall be mandatory; or communal drainfields in common open space with conservation easements may be owned by a public or non-profit entity;

(b) The common ownership association is responsible for maintenance and repair of the communal drainfield;

(c) The ground cover is restored to its natural condition after installation;

(d) Recreational uses are prohibited above or within fifty feet of communal drainfields; and

(e) The conservation easement for the dedicated open space parcel describes the location of the communal drainfield.

(6) *Lot and building site design.* Lots and building sites shall be designed to achieve the following objectives listed in order of priority:

(a) Locating individual and communal septic systems on the most suitable soils for subsurface septic disposal;

(b) Locating lots and building sites on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;

(c) Locating building sites within any non-production forest land contained in the lot, or along the edges of open fields adjacent to woodlands only as a means to reduce the impact on agriculture, to provide summer shade and shelter from winter wind, and/or to enable buildings to be visually absorbed by natural landscape features;

(d) Locating building sites in areas least likely to block or interrupt scenic vistas as viewed from roads; and

(e) Locating building sites to minimize the impact of blocks of forest land and to maximize the continuity of forest lands.

(7) *Buffer zones.* Buffer zones of at least 100 feet shall be required between residential structures and agricultural uses. The buffer areas shall be appropriately planted with native grasses, forbs, shrubs and trees, and/or permanent agriforestry features such as fruit or nut trees, and/or a windbreak. Roads may be substituted for the buffer if the road creates an effective barrier separating yards from agricultural uses as determined by the Zoning Administrator.

(8) *Streets*. Streets within the conservation subdivision shall be developed according to the following standards that promote road safety, minimize visual impacts and minimize impervious surfaces.

(a) Streets shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.

(b) Street widths and construction shall conform to the width and standards contained in the street cross section without curb and gutters (or rural cross section) as adopted by the county.

(c) Street surface for local streets within the subdivision may be gravel, or other surface with high permeability, unless the streets are an extension of existing paved roads.

(d) The number of local street intersections with collector and arterial roads should be minimized, however, the applicant must demonstrate that such intersections are adequate, have the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.

(e) If conservation subdivisions abut one another or existing development, direct links should be made to emphasize the connection between existing and new development.

(9) *Subdivision process*. The subdivision process for a conservation subdivision shall comply with county subdivision procedures and at a minimum shall include the following:

(a) The pre-application meeting with the Zoning Administrator to discuss:

1. The conservation theme;

2. The county design guidelines;

3. Any proposed common ownership plans for land and structures; and

4. Management and ownership of designated open space.

(b) In addition, for sketch plan document requirements for major subdivisions, the sketch plan for a conservation subdivision must include:

1. A mapped resource inventory that includes:

a. Topographic contours at ten-foot intervals; depth to bedrock, and suitability for wastewater disposal systems;

b. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways; and

c. Vegetation present on the site according to cover type (pasture, woodland and the like) and vegetative type (classified as generally deciduous, coniferous or mixed), and described by plant community (such as the State Department of Natural Resources Natural Heritage Community types), relative age and condition, also noting trees with a caliper of more than 18 inches.

2. A site analysis that identifies, precisely locates, and for: a. and b. calculates the acreage of:

a. Primary conservation areas, including protected wetlands, floodplains, natural resource protection zones, steep slopes;

b. Secondary conservation areas;

c. Special views;

d. Connections to adjacent open space;

e. Net developable acreage and allowed gross density as allowed by the base zoning district; and

f. Street and open space concept.

3. Building setbacks;

4. Parcel lines and building placement concepts for residential and accessory buildings;

5. Utility easements; and

6. If applicable, statement of intent to establish a homeowners' association.

(10) *Non-riparian lots*. Tier developments shall consider utilization of a common lakeshore area for those lots not having lakeshore frontage. Such areas may be for use only by owners within the subdivision or other means acceptable to the County Board. Road and lot arrangement should meet the provisions of this selection, but also be designed to accommodate the best use of the shoreland to the enjoyment of future residents.

(Ord. 97, passed 7-21-2009; Ord. 123, passed 9-20-2016; Ord. 153, passed 6-6-2023)

§ 3.07 CONDITIONAL USE PERMITS.

(A) *Purpose*. The purpose of this section is to establish application procedures for conditional use permit, standards and criteria applicable to all conditional uses and specific requirements applicable to certain conditional uses.

(B) *Application*.

(1) Conditional use permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this ordinance.

(2) Applications for conditional use permits shall be filed with the Zoning Administrator with required fees. The application shall:

(a) Indicate the section of the ordinance under which the conditional use is allowed and the grounds on which the permit is requested;

(b) Describe the site (legal description);

(c) Provide the names and addresses of the applicant, the owner of the site and any architect, professional engineer or contractor employed by the applicant, and the signature of the applicant and the owner;

(d) Be accompanied by a site plan showing such information as is necessary to show compliance with this ordinance, which may include:

1. Site plan drawn at scale showing parcel and building dimensions;

2. Location of all buildings and their square footage;

3. Location of curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks;

4. Landscaping and screening plans;

5. Drainage plan;

6. Sanitary sewer and water plan with estimated use per day;

7. Soil type;

8. In shoreland areas a thorough evaluation of the waterbody and the topographic, vegetation and soils condition on the site must be made to ensure:

a. The prevention of soil erosion and other possible pollution of public waters, both during and after construction;

b. The visibility of structures and other facilities as viewed from public waters is limited;

c. The site is adequate for water supply and on-site sewage treatment; and

d. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

9. A calculation of the amount of impervious surface prior to development and following the proposed development; and

10. Any additional data reasonably required by the Zoning Administrator, Planning Commission or County Board.

(C) *Public hearing*.

(1) The Planning Commission shall hold at least one public hearing on each application for a conditional use permit prior to any final decision by the County Board. Such public hearings may be continued and additional hearings may be held.

(2) Upon receipt in proper form of the application and other requested material, the Zoning Administrator shall set the date of the public hearing. All such hearings shall be held in a location prescribed by the Planning Commission.

(3) Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.

(4) Written notice of the time, place and purpose of the public hearing shall be sent to the adjacent property owners at least ten days prior to the hearing. The written notice shall be sent to property owners as follows.

(a) In incorporated areas, to all property owners of record within 500 feet of the affected property.

(b) In unincorporated areas, owners of record within one-quarter mile of the affected property, or to the ten properties nearest the property under consideration, whichever would provide notice to the greatest number of owners.

(c) Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within two miles of the affected property.

(5) The current tax records on file in the office of the County Assessor shall be deemed sufficient for notification purposes. The failure of any property owner to receive notification, or defects in the notice, shall not invalidate the proceedings, if a bona fide attempt to comply with this subdivision has been made.

(6) Written notice shall be given to the affected unincorporated areas, the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

(7) Written notice shall be given to the ~~Commissioner~~ respective Department of Natural Resources Area Hydrologist at least ten days prior to any hearing dealing with an application for a conditional use permit within a Shoreland Overlay District.

(D) *Action and authorization*.

(1) Following the closing of the public hearing and the formulation of the Planning Commission's recommendations, the Zoning Administrator shall report the findings and recommendations of the Planning Commission to the County Board at its next regularly scheduled Board meeting.

(2) The County Board shall approve, deny or return to the Planning Commission the conditional use permit application within 60 days of the receipt of the findings and recommendations of the Planning Commission.

(3) The County Board shall have the option to hold whatever public hearings it deems advisable, and may request that the applicant demonstrate the nature and extent of any adverse effects on the environment, as determined by the Planning Commission.

(4) Approval of a conditional use application shall require a simple majority of County Board members.

(5) The applicant for the conditional use permit shall be notified in writing of the Board's action by the Zoning Administrator.

(6) A copy of any conditional use permit issued within a shoreland area shall be forwarded to the ~~Commissioner~~ respective Department of Natural Resources Area Hydrologist within ten days of the action.

(E) *Criteria for granting conditional use permits*. The Planning Commission shall not recommend a conditional use permit unless it shall determine the following:

(1) Will the proposed use have an impact (adverse) on the health, safety and general welfare of the occupants in the surrounding neighborhood?

(2) Will the proposed use have an impact (adverse) on traffic conditions including parking?

(3) Are there adequate public utilities, public services, roads and schools to support the proposed use of the property?

(4) Will the proposed use have an effect (adverse) on property values or future development of land in the surrounding neighborhood?

(5) Is the proposed use of the property consistent with the goals and policies adopted in the Comprehensive Plan?

(6) Does the proposed use meet the standards of the zoning ordinance, including that the use is allowed with a conditional use permit in the designated zoning district in which it is proposed?

(7) Will the proposed use have an effect (adverse) on the environment, including pollution and including impacts on groundwater, surface water and surface water runoff, and air quality?

(8) Will the proposed use have an effect (adverse) on existing natural, historic, or scenic views or features in the surrounding neighborhood?

(9) Are there other provisions within the Unified Development Code, state law or federal law that will impact the approval of the conditional use permit?

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

§ 3.08 VARIANCES AND APPEALS.

(A) *Purpose*. The Board of Adjustment shall consider a request for variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties, and so that the spirit of the ordinance shall be observed and substantial justice done. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

(B) *Application*. An applicant shall submit an application for a variance on forms provided by the Planning Department to the Zoning Administrator. A survey of the subject property done by a licensed surveyor shall be required with the application. The application shall be accompanied by the full application fee as established in this ordinance.

(C) *Conditions on variances*. The Board of Adjustment may impose such conditions, including restrictions and safeguards, upon the property benefitted by the variance as considered necessary to prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the grant of variance. Violation of such conditions shall be a violation of this ordinance.

(D) *Relief less than requested*. A variance less than or different from the requested may be granted when the record supports the applicant's right to some relief, but not to the relief requested.

(E) *Criteria for granting variances*.

(1) Variances shall only be permitted when the applicant establishes that they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties complying with the official control. As used in connection with a decision as to whether to grant a variance, practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulty.

(2) In order to grant a variance, the Board of Adjustment must find that all of the following criteria are met:

(a) Is the variance request in harmony with the general purposes and intent of the official controls and consistent with the county's Comprehensive Plan?

(b) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

(c) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?

(d) Will the issuance of the variance maintain the essential character of the locality?

(e) Does the need for the variance involve more than economic considerations?

(F) *Variance procedure*.

(1) An application for a variance shall be filed with the Zoning Administrator, on the appropriate form, with the required fees. The application shall:

(a) Include a legal description of the property;

(b) Include a survey both in paper and electronic form (AutoCAD) completed by a Licensed surveyor in the state that is an accurate plot plan showing the locale, size, shape, height, and use of all existing buildings and all proposed buildings, and the width and depth of existing or proposed yards of the property involved;

(c) Include the signature of the lessee and the owner of the affected property;

(d) Include photographs of the property involved to illustrate the condition of the property; and

(e) State the grounds for the request of a variance.

(2) The Board of Adjustment shall hold at least one public hearing on each application for a variance prior to its final decision. Such public hearing may be continued and additional hearings may be held.

(3) The date of the public hearing shall be set by the Zoning Administrator upon receipt, in proper form, of the application and other requested material.

(4) Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing. Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within two miles of the affected property.

(5) The written notice of the time, place and purpose of the public hearing shall be sent to the adjacent property owners at least ten days prior to the hearing. The written notice shall be sent to all property owners of record within 500 feet of the affected property.

(6) The current tax records on file in the office of the County Assessor shall be deemed sufficient for notification purposes. The failure of any property owner to receive notification, or defects in the notice, shall not invalidate the proceedings, if a bona fide attempt to comply with this subdivision has been made.

(7) Written notice shall be sent to the respective Department of Natural Resources Area Hydrologist ~~Commissioner of Natural Resources~~ at least ten days prior to any hearing dealing with an application for a variance within a Shoreland Overlay District.

(8) The applicant for a variance, or a representative thereof, must appear before the Board of Adjustment in order to answer questions concerning the requested variance.

(a) The Board of Adjustment and county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational performance conditions in relation to all pertinent sections of this ordinance.

(b) The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse affect on the environment may be required by the Board to demonstrate the nature and extent of the affect.

(9) The applicant must make a case for variance criteria listed above and the Board shall consider the criteria when recommending approval of the variance.

(10) The Board of Adjustment shall reach its decision not later than 30 days from the date of the public hearing.

(11) Approval of an application for a variance shall require a simple majority of Board of Adjustment members.

(12) The Board shall put its decision in writing and show the reasons for its decision to either grant or deny the variance, and the conditions imposed on the variance. The applicant for the variance shall be notified in writing of the Board of Adjustment's action by the Zoning Administrator.

(13) Right to appeal to district court: 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.

(G) *Additional considerations in situations involving after-the-fact variances*. In circumstances where a variance is sought to an official control after the work has already been begun or completed in violation of one or more official controls, additional criteria may, in the discretion of the Board of Adjustment, be considered in determining whether to grant or deny the variance request. If the Board of Adjustment finds that all of the criteria set forth in subsection (E)(2)(a) through (e) are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny the request:

(1) Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?

(2) Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

(3) Did the applicant complete the work before being informed of the violation of applicable official controls?

(4) Are there similar structures in the area?

(5) Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?

(6) Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

(H) *Administrative appeals; appeal procedure for decisions of the administrative office*.

(1) An appeal to the Board of Adjustment may be taken by any aggrieved person or by any officer, department, board or bureau of a town, municipality, county or state affected by any decision of the administrative office.

(2) A notice of appeal specifying the grounds thereof shall be filed with the Zoning Administrator, within 30 calendar days after the date of the officer's decision. The required filing fee, as determined by the County Board, shall be filed with the notice of appeal.

(3) The Zoning Administrator, after consulting with the Chairperson of the Board of Adjustment, shall fix a reasonable time for the hearing of the appeal by the Board of Adjustment and shall give written notice thereof to the appellant and the officer from whom the appeal is taken at least ten days prior to the hearing.

(4) Notice of the time, place and purpose of the hearing shall also be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.

(5) The officer from whom the appeal is taken shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

(6) Any interested party may appear in person or by agent or by attorney at the hearing.

(7) An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

(8) The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

(9) The reasons for the Board's decision shall be stated in writing and shall be sent to the appellant and the officer from whom the appeal is taken.

(I) *Fees*. The application fee for the consideration of an appeal or a variance shall be as established by the County Board by resolution. Any outside costs for consulting services to aid the Board of Adjustment in making its decision on the variance application shall be paid by the applicant. Such fee shall be as determined by the County Board.

(J) *Lapse of variance by non-use*.

(1) A variance shall become void one year after its issuance by the Board of Adjustment unless it has been used or a petition for an extension of the one-year time limit has been granted.

(2) A violation of any condition set forth in granting a variance shall be a violation of this ordinance and automatically terminates the variance.

(K) *Recording*.

(1) A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance shall be filed by the Zoning Administrator with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved, the owner's name, and any conditions imposed by the Board of Adjustment.

(2) A copy of any variance granted for a property located within a Shoreland Overlay District shall be sent to the respective Department of Natural Resources Area Hydrologist~~Commissioner of Natural Resources~~ within ten days of the final decision.

(Ord. 97, passed 7-21-2009; Ord. 107, passed 11-6-2012; Ord. 123, passed 9-20-2016)

§ 3.09 SPECIAL EVENTS PERMIT.

(A) *Purpose*. The purpose of this section is to regulate events where an assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all person, residents and visitors alike, may be protected.

(B) *Permit required*. No person shall permit, maintain promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to a special event for an assemblage of 1,000 or more people which contains or can reasonably be expected to continue for eight or more consecutive hours, whether on public or private property, unless a permit to hold the special event has first been issued by the Board, application for which must be made at least 30 days in advance of the special event. When applying for a special event permit, the permit holder must submit certified copies of other necessary state permits and/or permits to support his or her application. A permit to hold a special event issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the permitted special event.

(C) *Permit requirements*.

(1) A separate permit shall be required for each day and each location in which 1,000 people shall assemble for such special event or can reasonably be anticipated to assemble. The fee for each permit shall be shall be determined by the County Board.

(2) A permit shall permit the special event to only the maximum number of people stated in the permit. The permit holder shall not sell tickets to nor permit to exhibit at the permitted locations more than the maximum permissible number of people.

(3) The requirement for a special event permit shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for special events which do not exceed by more than 250 people the maximum seating capacity of the structure where the special event is held.

(4) The requirement for a special event permit shall not apply to government sponsored fairs held on regularly established fairgrounds and not to special events required to be permitted by other state laws and county regulations.

(D) *Conditions for issuing permit*. Before the county issues a special event permit, the applicant shall first:

(1) Determine the maximum number of people which will be assembled or admitted to the location of the special event, provided that the maximum number shall not exceed the minimum number which can reasonably assemble at the location of the special event in consideration of the nature of the special event, and provided that where the special event is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the exhibit location by county health ordinances, or regulations of the State Department of Health; and

(2) At the time the application is submitted, the permit holder will provide a plan including the provisions herein for operation of the assembly. Ten days prior to the start of the special event, county staff will inspect to determine whether the requirements of these provisions have been met:

(a) If required by the Board, a fence or barrier (sufficient to prevent ingress/exit except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the special event grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the special event grounds and provide traffic control onto public roads;

(b) Potable water, meeting all federal and state requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day;

(c) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, in accordance with the State Department of Health regulations and standards;

(d) A sanitary method of holding, collecting and disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled;

(e) If required by the Board, physicians and nurses permitted to practice in the state sufficient to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 5,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants for each 5,000 people;

(f) If the special event is to continue during hours of darkness, illumination sufficient to light the entire area of the special event at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the special event;

(g) If the special event is to continue overnight, there shall be camping facilities in compliance with all state requirements, sufficient to provide camping accommodations for the maximum number of people assembled. A valid license issued annually by the Le Sueur-Waseca Community Health Board through the Waseca County Public Health Department and as provided for in M.S. Chapter 327, as it may be amended from time to time, shall be obtained prior to any overnight camping;

(h) If required by the Board, a security plan which will meet the requirements of local authorities; regularly employed off-duty state law enforcement officers or protective agents permitted in the state, sufficient to provide adequate security for the maximum number of people to

be assembled; at least one security guard for every 100 people will be provided for the first 1,000 people to assemble; for special events of more than 1,000 people, additional security guards will be provided at the rate of one for each 250 people or major fraction thereof;

(i) If required by the Board, fire protection shall be provided by the permit holder which shall be sufficient to meet all applicable state and laws and local regulations which are in effect, or may be set forth by the Board; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the permit holder, also;

(j) Administrative control center with telephones where county staff can contact the permit holder and law enforcement personnel inside the special event area; and

(k) A bond, filed with the County Clerk or County Auditor, in an amount to be determined by the County Board.

(E) *Application*.

(1) Application for a permit to hold an actual or anticipated special event to an assembly of 1,000 persons shall be made in writing to the governing body of this political subdivision at least 30 days in advance of such special event.

(2) The application shall contain and disclose:

(a) The name, date of birth, fingerprints, residence and mailing address of the applicant and in the case of a corporation, a certified copy of the articles of incorporation together with the name date of birth and mailing address of each person holding 10% or more of the stock of the corporation;

(b) The address and legal description of all property upon which the special event is to be held, together with the name, residence and mailing address if the record owner(s) of all such property;

(c) Proof of ownership of all property upon which the special event is to be held or a signed statement by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons;

(d) The nature or purpose of the special event;

(e) The total number of days and/or hours during which the special event is to last;

(f) The maximum number of persons which the applicant shall permit to assemble at the special event at any time, not to exceed the maximum number which can reasonably assemble at the location of the special event, in consideration of the nature of the special event, or the maximum number of persons to sleep within the boundaries of the location of the special event;

(g) The maximum number of tickets to be sold, if any;

(h) The plans of the applicant to limit the maximum number of people permitted to assemble;

(i) The plans for fencing the location of the special event and the gates contained in such fence;

(j) The plans for supplying potable water including the source, amount available and location of outlets;

(k) The plans for providing toilet and lavatory facilities including the source, number, and location, type and means of disposing of waste deposited;

(l) The plans for holding, collection and disposing of solid waste material;

(m) The plans to provide for medical facilities including the location and location of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

(n) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lights;

(o) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;

(p) The plans for camping facilities, if any, including facilities available and their location must be forwarded to public health for approval;

(q) The plans for security including the number of guards, their employment and their names, addresses, credentials and hours of availability;

(r) The plans for fire protection as may be required by subsection (D)(2)(i) above;

(s) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;

(t) The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their permit or permit numbers. Plan must be forwarded to public health for approval.~~;~~ ~~Plans must be forwarded to public health for approval;~~

(u) The plans for area traffic control for egress from and exit onto public roads or highways; and

(v) The application shall include the bond required in § 3.09(D)(2)(k), and the permit fee.

(F) *Issuance*. The application for a permit shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.

(G) *Revocation*. The permit may be revoked by the County Board or by county law enforcement, if any of the conditions necessary for the issuing of or contained in the permit are not complied with, or if any condition previously met ceases to be complied with.

(Ord. 97, passed 7-21-2009; Ord. 123, passed 9-20-2016)

ARTICLE 4: GENERAL REGULATIONS

Section

4.01 General provisions

4.02 General regulations for structures

4.03 Accessory dwelling unit (ADU)

4.04 Manufactured homes

4.05 Temporary structures

4.06 Temporary storage of equipment

4.07 Lot and yard controls

4.08 Height regulations

4.09 Yard regulations

4.10 Fences and freestanding walls

4.11 Outdoor storage

4.12 Sign regulations

4.13 Extraction of material and minerals, open pits and impounding of waters

§ 4.01 GENERAL PROVISIONS.

(A) *Intent*. The purpose of this section is to provide regulations of general applicability for property in unincorporated areas of the county, to promote the orderly development of use of land, to protect the natural environment, minimize conflicts among land uses and protect the public health, safety and welfare. General regulations must be met before a land use permit is issued.

(B) *Applicability*. The regulations set forth in this article apply to all structures and all land uses, except as otherwise provided in this ordinance. The provisions of this article shall be applied to all zoning districts, and shall be in addition to the requirements in any specific zoning district. A permit shall not be issued unless provisions are made for meeting the applicable general regulations in this ordinance and other county ordinances.

(C) *Zoning permit required*.

(1) Zoning permits are required for the following:

(a) Any change in use;

(b) New, altered, moved or replaced structures;

(c) Signs;

(d) Shoreland alterations not exempted in § 6.22;

(e) Permits shall only be approved if they comply with this ordinance, where applicable;

~~(f) Alterations to wetland areas that require review from the Soil and Water Conservation District; and~~

(~~g~~f) Land alteration as defined in § 4.13.

(2) It shall also be the responsibility of the applicant to adhere to local, state and federal rules and to obtain all required permits.

(3) Refer to §3.02(A)(2) for additional requirements on Zoning Permits. ~~No permit shall be issued where a proposed setback does not comply with future road construction plans as approved by the County Board, in which case a greater setback will be required in accordance with future highway plans. This information shall be supplied by the County Highway Engineer.~~

~~(4) All animal feedlots must further comply with the regulations set forth by the State Pollution Control Agency.~~

~~(5) A permit is required for the installation or alteration of a sub-surface sewage treatment system. All on-site sewage treatment systems must further conform to Pollution Control Agency rules in Minnesota Rules, Chapter 7080.~~

~~(6) All manufactured home parks and recreational camping areas must further comply with the standards established by Regulation 13187 of the State Board of Health.~~

~~(7) All international, federal, state, county and other official monuments, bench-marks, triangulation points and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, half sections and one-sixteenth-section corners shall be duly described and tied.~~

~~(8) Any permit is void if building construction is not completed within one year from the date the permit was approved, unless otherwise extended by the Board of Commissioners.~~

~~(9) Any zoning permit issued under the prior existing zoning ordinance shall remain in effect for one year from the date of its issuance and construction shall comply with all requirements in effect under the prior zoning ordinance. Construction must begin within one year of issuance of the zoning permit and be completed within one year after construction is begun.~~

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

§ 4.02 GENERAL REGULATIONS FOR STRUCTURES.

(A) *Number of principal structures permitted on a lot or parcel*. No more than one principal structure may be placed on a residential lot or parcel. More than one industrial, commercial, multiple- dwelling or institutional building or use may be established upon a single lot or tract in a district allowing these uses, provided that the yards and open space required around the boundaries of the lot or tract shall be met.

(B) *Human habitation of structures*.

(1) No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at anytime be used as a dwelling unit.

(2) The basement portion of a finished home may be used for normal eating, living, and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is approved by the Zoning Administrator. A basement may be occupied with unfinished structure above during the time the owner or occupant is actively and regularly engaged in finishing the unfinished structure, but in no case longer than three years without a hearing before the Planning Commission and approval of a specified extension in time by the County Board. No residential accessory building shall be used for human habitation unless built and licensed as an accessory dwelling unit.

(C) *Accessory structures*. Accessory structures located in any residential or agricultural zoning district, shall meet the following requirements.

(1) *Attached*. Attached accessory buildings shall meet all the requirements of this ordinance which apply to the principal structure to which they are attached. An accessory building that is attached to the principal building shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this ordinance applicable to the principal building.

(2) *Detached*. Detached accessory structures shall meet all of the following requirements.

(a) *General*.

1. Setback from principal building. A detached accessory building shall be located at least five feet from the principal building and shall meet all setback requirements of its zoning district.

2. The accessory structure shall only be erected in a rear yard, except that detached garages may be allowed in the front yard provided the detached garage maintains the front yard, side yard and corner side yard setbacks for the zoning district where the structure is located.

3. Detached accessory buildings located in any zoning district except residential or agricultural, shall meet all the requirements of this ordinance which apply to principal structures in such zoning district.

(b) *Size limits*. A detached accessory building which is accessory to a residential use shall be limited in size based on lot size and lot coverage.

(c) *Lots of up to one acre*. Not to exceed 1,500 square feet, provided that maximum impervious coverage requirements are met.

(d) *Lots of more than one acre*. Will be limited by maximum impervious coverage requirements. Impervious coverage includes the footprints of all principal and accessory buildings, paved areas and other impervious surfaces on the property.

(e) *Height*. The height of an accessory building shall not exceed the height of the principal building.

(f) *Permit exception*. Outside the Shoreland Overlay District, a zoning permit shall not be required for any accessory building of 100 square feet or less, but applicable setbacks shall be met.

(g) *Use of building*. Residential accessory buildings shall be used for storage of personal vehicles and other residential accessory uses. No commercial operation or commercial-related storage shall be allowed unless otherwise allowed with the operation of a home occupation.

(h) *Prohibited within rights-of-way*. Accessory structures, including gate houses and gates, shall be prohibited within any road right-of-way.

(D) *Mobile structures*. Mobile or movable structures shall not be used as an accessory structure.

(E) *Satellite dishes*. Satellite dishes not exceeding three feet in diameter may be allowed in the front yard in any zoning district. Satellite dishes larger than three feet in diameter shall be located in a side or rear yard and shall maintain required setbacks or be attached to the principal structure.

(F) *Timing of construction*. In any residential district, no accessory building shall be constructed or developed on a lot prior to the construction of the principal building. In situations where accessory structures are constructed prior to the principal structure, the accessory structure must meet the principal structure setback requirement in the underlying zoning district.

(G) *Separation distance requirements for structures from feedlots*. All structures shall comply with the required setbacks from feedlots found in § 6.06.

(Ord. 97, passed 7-21-2009; Ord. 147, passed 8-3-2021)

§ 4.03 ACCESSORY DWELLING UNIT (ADU).

(A) *Existing single-family unit required*. The lot proposed for an ADU must already contain an existing single-family unit. A maximum of one ADU may be allowed per parcel. An ADU shall not be allowed where it is not permitted within the zoning district or where it may violate a subdivision's private covenants or restrictions.

(B) *Ownership*. The owner of the property shall reside in either the accessory or the principal dwelling unit.

(C) *Minimum lot size for detached ADUs*. An ADU may be developed on a lot meeting the minimum size for single-family dwellings within the respective zoning district, except that a detached accessory unit may be developed only if the lot size is at least 150% of the minimum single-family lot size, provided that the individual sewage treatment system requirements of this ordinance can be met.

(D) *Minimum dwelling size requirements*. An ADU shall not exceed 40% of the living area of the principal dwelling unit. An ADU shall not be smaller than 300 square feet in area or larger than 800 square feet, nor shall it contain more than two bedrooms.

(1) An exception may be made for disabled persons of child-bearing age, allowing a maximum size of 1,000 square feet and up to three bedrooms without a variance.

(2) A garage or portion of a garage that is used for the storage of automobiles and personal items shall not be counted as part of the living area and shall not contain any habitable space. For an ADU located above a garage, only the habitable portion shall count towards size requirements.

(E) *Facilities*. An ADU shall not contain more than two bathrooms, one kitchen (with or without eating area), one utility room and one living room or combination living/dining room.

(F) *Screening and orientation*. The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents of adjoining dwellings, as determined by the presence or design of landscape screening, fencing and window and door placement.

(G) *Location on lot*. A detached ADU must be located in the side or rear yard of the principal dwelling and separated by at least 20 feet but not more than 150 feet from the principal dwelling. The ADU shall be separated by at least 20 feet from all other structures on the subject property.

(H) *Setbacks*. The ADU shall meet or exceed the front, side and rear yard setbacks for principal structures of the applicable zoning district.

(I) *Driveway*. A detached ADU shall be served by the same driveway that serves the principal single-family dwelling, except when the ADU is accessed more conveniently from a different road, street or alley (i.e., if located on a double frontage lot or close to a side street or alley).

(J) *Parking area*. Two parking spaces shall be required for each ADU.

(K) *Further subdivision prohibited*. A detached ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit. The ADU shall not be sold, but may be rented.

(L) *Deed restriction*. Before securing approval for construction of an ADU, the owner of the property shall record against the deed, a deed restriction running in favor of the municipality limiting ownership of either the principal dwelling unit or the ADU to the owner of the property or to a common interest community.

(M) *Maximum number of residents*. The number of occupants of the ADU shall not exceed three, with the exception of persons with limited intellectual or physical abilities of child-bearing use. In this case, maximum occupants shall be five and shall be lineal family.

(N) *Elimination/expiration*. Elimination of an ADU may be accomplished by the owner recording a certificate with the County Recorder stating that the accessory dwelling no longer exists on the property.

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

§ 4.04 MANUFACTURED HOMES.

(A) *General requirements*.

(1) All manufactured homes hereafter established shall be located in an approved manufactured home park except as provided in this ordinance.

(2) All manufactured homes hereafter established and which are located independently as provided in this ordinance shall conform to the density, area and setback requirements of the zoning district in which they are located.

(3) All manufactured homes, whether in a manufactured home park or located independently as provided in this ordinance, shall also meet the following requirements.

(a) If not secured to a permanent foundation, the area between the bottom of the manufactured home and the ground shall be skirted with a fireproof material harmonious with the appearance of the home and provide access for inspection and maintenance. Plywood, hardboard, cardboard or baled hay or straw shall be prohibited.

(b) Each manufactured home shall be adequately secured by utilization of tie downs or other acceptable measures.

(c) Steps and stoops shall be of acceptable wood, metal or concrete construction.

(d) Storm entries and porches must be of durable materials harmonious in appearance with the mobile home.

(e) All manufactured homes shall be equipped with smoke and fire detectors, as approved by the State Fire Marshal or local fire officials.

(f) Each manufactured home shall be provided with approved sanitary and water facilities for occupants use 24 hours each day.

(B) *Codes, permits and licenses*.

(1) All manufactured homes shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the state, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as NFPA 501B and any revision thereto and shall be certified to these standards by a seal affixed to the manufactured home.

(2) It shall be unlawful for any person to construct or alter any structure associated with and including a manufactured home without first obtaining a valid zoning permit from the Zoning Administrator.

(3) All manufactured home parks and recreational camping areas hereafter established or expanded shall obtain a conditional use permit as regulated in the respective zoning district and shall meet the requirements of this section.

(4) It shall be unlawful for anyone to operate either a manufactured home park or a recreational camping area within the county unless they have obtained a valid license issued annually by the Le Sueur-Waseca Community Health Board as provided for in M.S. Chapter 327, as it may be amended from time to time.

(5) Whenever an individual wishes to relocate a manufactured home within the county, he or she shall be required to obtain a zoning permit for the new location and will be subject to the provisions of this ordinance.

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

§ 4.05 TEMPORARY STRUCTURES.

(A) The following temporary structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located and all other applicable regulations of this ordinance.

(B) Temporary structures shall meet the following general development standards.

(1) *For construction work*. Temporary structures or mobile homes, that are used solely for office or storage purposes in conjunction with construction work only, may be permitted in any zoning district during the period that the construction work is in progress, but such temporary structures shall be removed upon completion of the construction work.

(2) *For sale of property*. Temporary offices, both incidental and necessary for the sale or rental of real property within an approved residential subdivision or residential development in which such offices are located, may be permitted in any zoning district until such time as the real property has been sold or rented, provided the office is located within a model home.

(3) *A temporary structure associated with an allowed temporary use*. Any temporary structure associated with a temporary use allowed under § 6.02 need not comply with district yard requirements but shall be set back from all lot lines and otherwise be located on the property as may be required by the county to reduce any potential safety hazards to vehicles and pedestrian traffic on adjacent public ways, and to also reduce any adverse effects on adjacent properties. No permanent structures shall be erected except in conformance with the regulations of the zoning district within which the property is located.

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

§ 4.06 TEMPORARY STORAGE OF EQUIPMENT.

(A) The Zoning Administrator may grant an interim use permit for temporary storage of equipment in any zoning district in conjunction with highway construction or a similar public purpose.

(B) Such operation may include a bituminous plant, ready mix plant, contractor's yard and similar uses.

(1) The use shall comply with all applicable federal, state and county rules, regulations and ordinances.

(2) All equipment and temporary buildings shall meet the setbacks of the underlying zoning district.

(3) The interim use permit shall contain a commencement and a termination date and any other conditions deemed necessary and proper to protect the surrounding properties.

(4) Any excavation of materials shall meet the standards of § 5.04 (Stormwater Management and Sediment and Erosion Control), where applicable.

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

§ 4.07 LOT AND YARD CONTROLS.

All lots, structures and uses shall conform to the lot and yard controls specified below.

(A) *Area regulations*. No lot shall be reduced in size below the minimum required for the proposed use in the zoning district where the lot is located.

(B) *Measurement of lot width*. Lot width for the purpose of complying with minimum lot width requirements shall be measured at the front building setback line.

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

§ 4.08 HEIGHT REGULATIONS.

(A) *Maximum height*. Maximum height limitations found in § 6.03 must be adhered to for each zoning district, except for Federal Aeronautics Administration regulations and the structures and architectural ornaments listed in subsections (B) and (C) below.

(B) *Maximum height may be exceeded*. Height limitations set forth in this ordinance may be increased by 100% when applied to the following:

(1) Monument;

(2) Flag poles; and

(3) Cooling towers.

(C) *Exceptions to height limitations*. Height limitations do not apply to the following structures or architectural ornaments, and if these structures or architectural ornaments exceed the height limitation of the district in which it is located, a conditional use permit must be obtained after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten miles of the structure proposed to exceed the height limitation:

(1) Church spires, belfries or domes which do not contain usable space;

(2) Water towers;

(3) Chimneys or smokestacks;

(4) Radio, communication or television transmitting towers;

(5) Grain elevators; and

(6) Wind turbines.

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

§ 4.09 YARD REGULATIONS.

(A) *Front yard requirements*.

(1) In any zoning district, there shall be a minimum front yard required as stated in the yard requirements for that particular district.

(2) The minimum front yard depth as specified in any district shall be measured from the established property line or proposed right-of-way line of the street on which the lot fronts.

(B) *Exceptions to front yard requirements*.

(1) Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications.

(a) Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four feet, six inches.

(b) Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches.

(c) A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing, no higher than three feet, six inches may be placed around such place.

(d) A ramp for access to the dwelling by handicapped individuals.

(2) When a parcel is accessed from a recorded easement over an adjacent parcel that exceeds the length of the front yard setback within the zoning district and when the parcel has no direct access to a public or private right-of-way, the required front yard setback may be adjusted to equal the rear yard setback required in the zoning district.

(C) *Exceptions to side and rear yard requirements*. The above-enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.

(D) *Additional yard requirements*.

(1) A wall, fence or hedge may occupy required front, side or rear yards when in compliance with height standards in § 4.10.

(2) On double frontage lots, the required front yard shall be provided on both streets.

(3) The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a road or public roadway by obscuring the view.

(4) The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running along the shoulder road lines between the road intersection and a point 50 feet from the intersection, and the third side of which is the line between the latter two points.

(Ord. 97, passed 7-21-2009; Ord. 120, passed 10-7-2014)

§ 4.10 FENCES AND FREESTANDING WALLS.

On any parcel or lot, fences and freestanding walls are permitted accessory structures provided such fences and walls meet all of the requirements in the following list.

(A) *Setback*. Setback requirements shall not apply to fences and freestanding walls.

(B) *Measurement*. Height, for the purpose of meeting the requirements of this subsection (B), shall be measured from the ground surface to the highest point of the fence.

(C) *General height standards*.

(1) The required front yard of a corner lot shall not contain any fence or wall which may cause danger to traffic on a road or public roadway by obscuring the view.

(2) The required front yard of a corner lot shall not be obstructed by a fence or wall above a height of three feet in a triangular area, two sides of which are the lines running along the shoulder road lines between the road intersection and a point 50 feet from the intersection, and the third side of which is the line between the latter two points.

(D) *Specific height standards*. Fences and freestanding walls shall conform to the following height limitations:

(1) In A-1 and LR Districts:

(a) Within a side or rear yard, eight feet in height at any point; and

(b) Within a front yard, four and one-half feet in height at any point.

(2) In the VMX and UE Districts:

(a) Within a side or rear yard, six feet in height at any point; and

(b) Within a front yard, four and one-half feet in height at any point.

(3) In the HC and I Districts: the height limitations shall be determined by the approved site plan and safety standards.

(E) *Retaining walls*.

(1) A zoning permit shall be required for retaining walls that are greater than six feet in height.

(2) Height of retaining walls for the purpose of meeting the requirements of this subsection (E) shall be measured from the lowest grade adjacent to any point of the wall.

(3) Retaining walls can include, but are not limited to, structures of timbers, boulders, concrete or stone blocks, or other materials.

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

§ 4.11 OUTDOOR STORAGE.

In any residential district, all materials and equipment shall be stored within a building or structure or fully screened so as not to be visible from adjoining properties, except for the following:

(A) Usable laundry equipment;

(B) Recreational equipment;

(C) Construction and landscaping material currently being used on the premises provided it is kept in a neat and orderly manner and does not create a nuisance to adjoining property;

(D) Off-street parking of passenger vehicles and trucks; and

(E) Boats and house trailers if stored in the rear yard not less than ten (10) feet from any property line.

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

§ 4.12 SIGN REGULATIONS.

All signs hereafter erected or maintained, except government signs shall conform to the provisions of this ordinance.

(A) *Purpose*. The purpose of these sign regulations is to govern the use, approval, construction, change, replacement, location, and design of signs on territory subject to the county's jurisdiction in order to promote health, safety, and welfare within the county. The sign regulations are meant to encourage the effective use of signs for communication; limit hazardous or distracting signs; ensure and improve pedestrian and traffic safety; protect, conserve, and enhance property values; and enhance and protect aesthetics and the county's visual environment and local character. The sign regulations are not intended to and do not restrict, limit, or control the content or message of signs.

~~(B) *Definitions*. For purposes of this section, the following definitions shall apply. For terms not defined below, definitions contained elsewhere in the code shall apply. In the event definitions below differ or conflict with definitions provided elsewhere in the code, the definitions provided herein shall apply only to this section.~~

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

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

~~***NAMEPLATE SIGN.*** A sign including postal identification numbers, whether written or in number form, and, optionally, the name of the building or building occupant.~~

~~***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.~~

~~***NON-RESIDENTIAL PROPERTY.*** Property not classified as residential property.~~

~~***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."~~

~~***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.~~

~~***RESIDENTIAL PROPERTY.*** A parcel containing a dwelling or residence, as those terms are defined in Article 8 of this code. 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.~~

~~***SIGN.*** 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.~~

~~***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.~~

(~~C~~B) *General provisions*. The following regulations shall apply to all signs hereinafter permitted in all Districts:

(1) Signs shall not be permitted within the public right-of-way or easements, except government signs.

(2) Flashing or rotating signs, which resemble emergency vehicles, shall not be permitted.

(3) No sign shall be erected or maintained that purports to be or resembles an official marker erected by a governmental agency or a government sign.

(4) No sign shall, because of position, shape, color, or design, interfere in any way with the proper function or purpose of a traffic sign or signal.

(5) No sign shall be erected or maintained which by its design, height, width, shape, or location obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet.

(6) No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building or structure.

(7) Signs shall be maintained in good condition. Signs that have become rotted, unsafe, unsightly, or unreadable shall be repaired or removed by the owner or lessee of the property upon which the sign stands with notice from the County Board.

(8) The owner, lessee, or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

(9) Where a sign is illuminated, the source of light shall be external and not shine upon any part of a dwelling or into any residential district or any roadway.

(10) No sign shall be painted directly on the outside wall of a building, except in commercial or industrial districts, in which case such signs shall be governed by the square footage allowed in that district.

(11) Signs shall not be painted on fences, rocks, or similar structures or features, nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.

(12) Symbols, statues, sculptures, and integrated architectural features on buildings may be illuminated by floodlights provided the source of light is not visible from a public right-of-way or adjacent property.

(13) Any sign greater than one-half square foot in surface area shall be set back at least ten (10) feet from any property line or public right-of-way.

(14) No sign shall be permitted within ten (10) feet of any road or highway right-of-way.

(15) No sign shall be permitted within 30 feet from either right-of-way where highways or roads intersect.

(16) The owner of any sign that is otherwise allowed may substitute non-commercial speech for any other commercial or non-commercial speech without any additional approval or permitting, notwithstanding any provision to the contrary.

(~~D~~C) *Temporary signs*.

(1) One temporary sign may be displayed on a parcel during the time the parcel is under construction or development, which shall not exceed 240 square feet of surface area and shall be located on the project site. Such sign must be removed no more than seven days after the completion of the construction or development.

(2) One temporary sign may be displayed on a parcel during the time the parcel is for sale or available for rent or lease, which shall not exceed 25 square feet per surface. Such sign must be removed no more than seven days following the sale or leasing of the parcel.

(3) One temporary sign may be displayed concurrent with a one-time or special event for a period of no more than 30 days. Such sign shall not exceed 25 square feet in surface area.

(4) Subject to M.S. § 211B.045, as it may be amended from time to time, or successor statute, signs containing non-commercial speech may be posted beginning 46 days before a primary election in a general election year until ten days following the general election.

(5) The owner or lessee of the property on which the temporary sign is displayed is responsible for removal of such sign.

(~~E~~D) *Off-site signs*.

(1) Off-site signs may be erected in Highway Commercial and Industrial Zoning Districts only, except that off-site signs are prohibited in Shoreland Overlay and Flood Plain Overlay Districts. Off-site signs are prohibited in all other zoning districts.

(2) The maximum area of an off-site sign face, whether a single sign face or each face of two back-to-back or V-type signs shall not exceed 700 square feet including border and trim, but excluding base and apron supports and other structural members. Said maximum size limitation shall apply to each side of an off-site sign structure. Signs structures placed back-to-back or in a V-type construction, with no more than two displays, shall be considered one sign (see diagram 1 of Figure 4.1).

(3) Off-site signs shall not exceed 55 feet in total length and a maximum height of 35 feet above grade, with a minimum clearance height of 15 feet above grade (see diagram 1 of Figure 4.1). Off-site signs abutting an elevated state or federal highway may exceed the maximum height requirement, provided that the top of the sign shall not exceed 15 feet above the road grade elevation of such elevated four-lane highway directly adjacent to such property on which the sign is positioned.

(4) No off-site sign shall be erected within 1,000 feet of another off-site sign (see diagram 2 of Figure 4.1).

(5) No off-site sign shall be located closer than 450 feet from the intersection of any road or highway with another road, highway, or railroad; except that an off-site sign may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself (see diagram 2 of Figure 4.1).

(6) No off-site sign shall be permitted within ten (10) feet, nor beyond 300 feet, of a road or highway right-of-way (see diagram 3 of Figure 4.1).

(7) No off-site sign shall be erected or maintained within 500 feet of a church, school, dwelling, historic site, public or rest area, and the boundary of a residential district or local, state or national park.

(8) No off-site sign shall project over a public right-of-way.

(9) No off-site sign shall be painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.

Figure 4.1 Setback and Location Requirements for Off-Site Signs

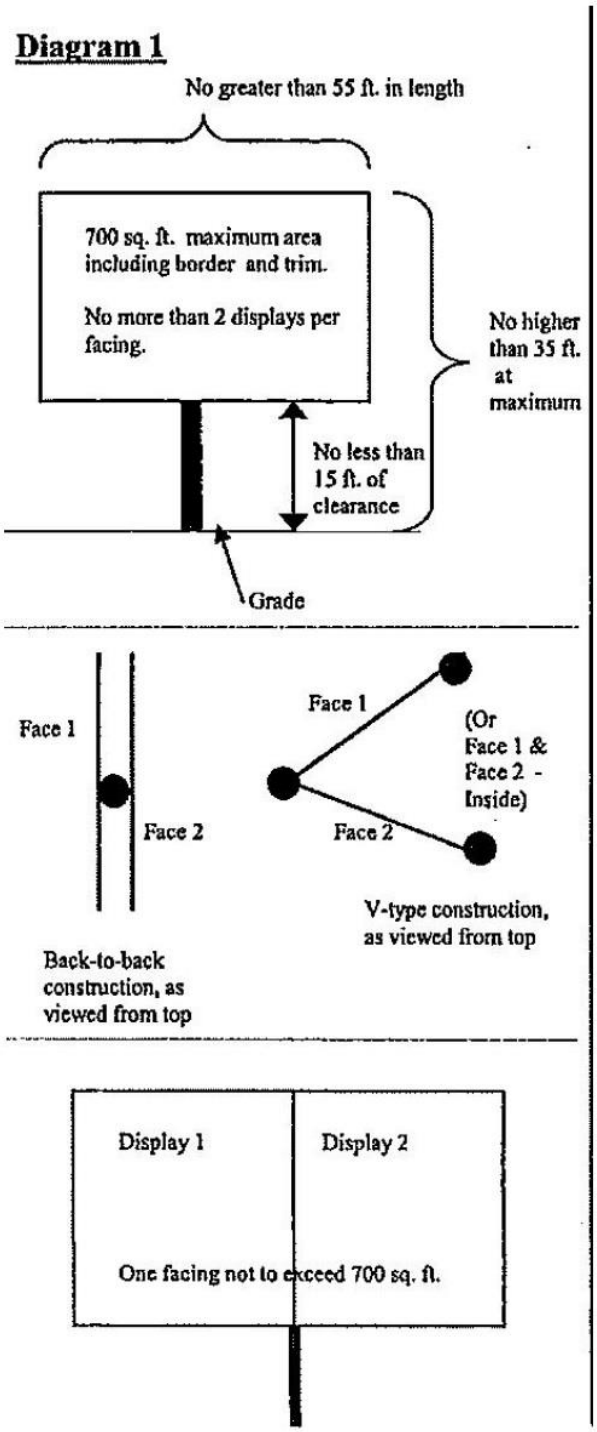
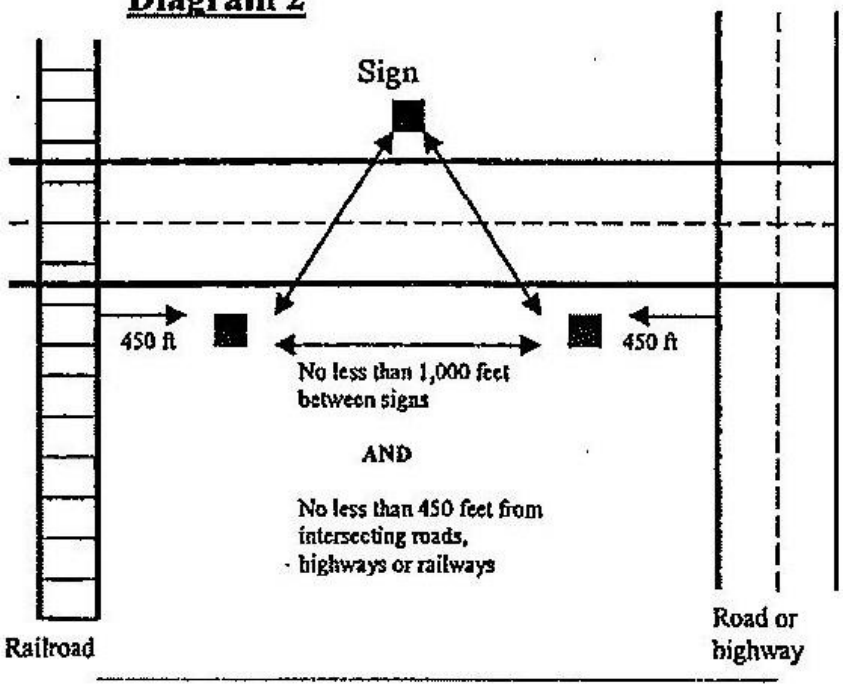


Diagram 2



*Note 1000 ft between signs must be maintained

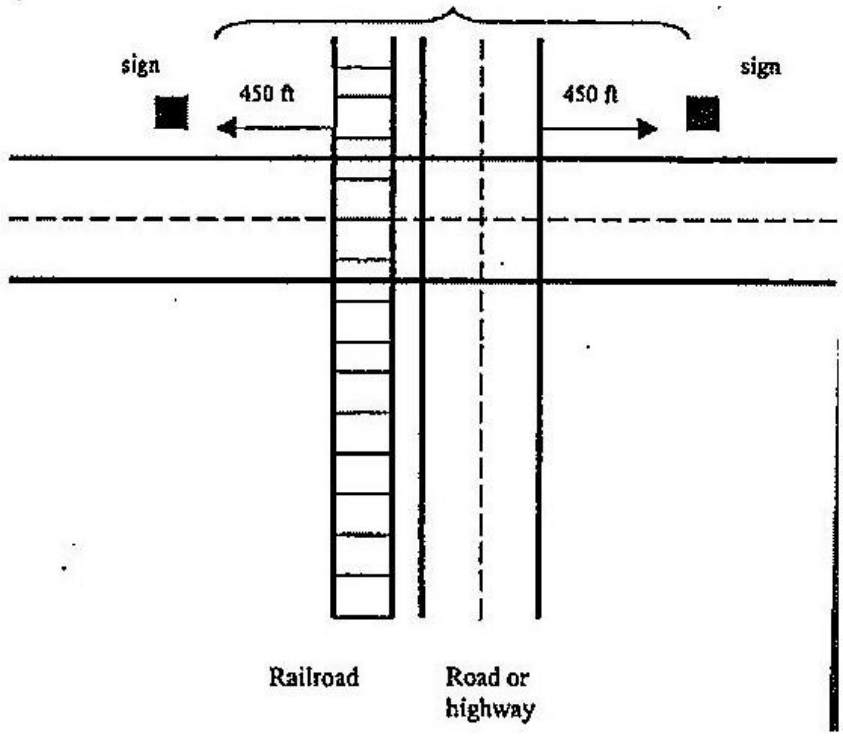
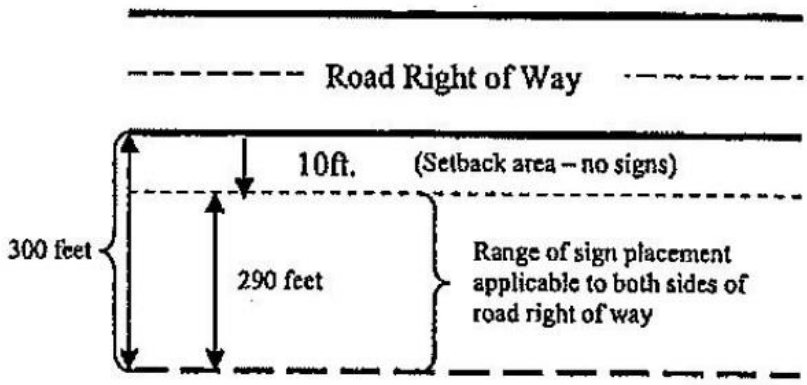


Diagram 3



(~~F~~E) *Signs on residential property*. Signs on residential property in all zoning districts are subject to the following regulations:

(1) One nameplate sign for each dwelling shall be allowed. Such sign shall not exceed two square feet in area per surface and no such sign shall be so constructed as to have more than two surfaces.

(2) One nameplate sign for each dwelling group of six or more units shall be allowed. Such sign shall not exceed six square feet in area per surface and no such sign shall be so constructed as to have more than two surfaces.

(3) One on-site or nameplate sign shall be allowed for each residential subdivision. Such signs shall not exceed 12 square feet in area per surface and no sign shall have more than two surfaces.

(4) One nameplate sign for each home occupation allowed as a permitted or conditional use under the County Zoning Code shall be allowed. Such sign shall not exceed two square feet in area per surface and no such sign shall be so constructed as to have more than two surfaces.

(5) One on-site sign for each home occupation allowed as a permitted or conditional use under the County Zoning Code shall be allowed. Such signs shall not exceed 12 square feet in area per surface and no sign shall have more than two surfaces.

(6) No sign shall exceed ten (10) feet in height above the average grade level.

(~~G~~F) *On-site signs on non-residential property in residential and mixed-use districts*. Signs on non-residential property in Limited Residential (LR), Urban Expansion (UE), and Village Mixed Use (VMX) Districts are subject to the following regulations:

(1) One on-site sign, not exceeding 24 square feet in area, shall be allowed on per lot. Such signs may be illuminated, but not flashing.

(2) Additional on-signs may be allowed a lot with a conditional use permit, subject to the following standards:

(a) The total surface area of all on-site signs on a lot shall not exceed the sum of two square feet per lineal foot of lot frontage or 250 square feet in surface area, whichever is less. In the case of a lot having more than one frontage, the frontage designated by the mailing address shall be used.

(b) The total number of on-site signs on a lot shall not exceed four in number, of which not more than two shall be free standing.

(3) No sign shall project above the permitted building height for the zoning district in which it is located.

(~~H~~G) *On-site signs on non-residential property in Industrial, Commercial and Agricultural Zoning Districts*. Signs on non-residential property in Agricultural Protection (A-1), Highway Commercial (HC) and General Industrial (I) Districts are subject to the following regulations:

(1) One on-site sign, not exceeding 200 square feet in the A-1 Agriculture Protection District and 250 square feet in Commercial and Industrial Districts, shall be allowed per lot. Such signs may be illuminated, but not flashing;

(2) Signs in the A-1 Agriculture Protection District over 200 square feet shall only be allowed by conditional use permit;

(3) The total surface area of on-site signs on a lot shall not exceed two times the lineal feet of frontage of the lot or 500 square feet in surface area, whichever is less. In the case of a lot having more than one frontage, the frontage designated by the mailing address shall be used.

(4) The total number of on-site signs on the zoning lot shall not exceed three in number and no more than two of those signs may be freestanding.

(5) No single sign shall exceed the size referenced in (1) and (2) above.

(6) No sign shall exceed 35 feet in height. No roof sign or sign attached to a building shall exceed a height of ten (10) feet above the highest outside wall or parapet of any principal building.

(~~I~~H) *Licenses and permit fees*.

(1) All signs erected, with the exception of nameplate and temporary signs, shall require a zoning permit. Application for such a permit shall be accompanied by all necessary information, as set forth on the application form available from the Zoning Administrator.

(2) All signs for which a permit is required shall be subject to inspection by the Zoning Administrator.

(3) The zoning permit fee shall be established by resolution of the County Board.

(4) Any official of the county may enter any property or premises to determine whether the provisions of this ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists.

(5) All signs not maintained and kept in good repair shall be subject to removal, at the owner's cost, upon direction of the County Board.

(Ord. 97, passed 7-21-2009; Ord. 118, passed 8-19-2014; Ord. 129, passed 7-17-2018; Ord. 131, passed 7-2-2019)

§ 4.13 EXTRACTION OF MATERIAL AND MINERALS, OPEN PITS AND IMPOUNDING OF WATERS.

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform with the provisions of this section.

~~(A) *Definition.* ***EXCAVATIONS***, as used in this section, shall mean 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.~~

(~~B~~A) *Conditional use permit*. Excavations, extraction of materials and minerals, open pits and impoundment of water shall be permitted only upon the issuance of a conditional use permit.

(1) The applicant for the permit shall furnish such information as: true name and address, when required, approval by the state to impound waters, purpose of proposed activity, roads and highways to be used to haul material to or from the area of activity, and the estimated time when building or removing will begin and be completed.

(2) Exceptions:

(a) Excavations ancillary to other construction, of and installation erected or to be erected, built or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted if a permit has been issued for such construction or installation;

(b) Excavations ancillary to construction of a state, federal, county or township road is exempted;

(c) Excavations not exceeding 50 square feet of surface or two feet in depth are exempted;

(d) Excavations for agricultural purposes are exempted;

(e) Wetland creation, restoration and/or construction shall be exempted if the proposal can satisfy all of the following criteria:

1. Wetland creation, restoration and/or construction shall be under the guidance of the County Soil and Water Conservation District using specifications and guidelines of the Natural Resource Conservation Service (NRCS);

2. Wetland creation, restoration and/or construction shall not be constructed closer than 75 feet to the boundary of any adjoining property or existing road easement; and

3. An approved land alteration permit shall be obtained from the Planning and Zoning Office prior to any excavation, alteration or impoundment.

(f) Wetland creation, restoration and/or construction that can not satisfy the above-listed exception criteria (subsections (B)(2)(e)1., (B)(2)(e)2. and (B)(2)(e)3. above) will be subject to:

1. Conditional use permit;

2. Any conditions set forth by the Board for the conditional use permit; and

3. An approved land alteration permit shall be obtained from the Planning and Zoning Office prior to any excavation, alteration or impoundment.

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

ARTICLE 5: GENERAL ENVIRONMENTAL REGULATIONS

Section

5.01 Public waters

5.02 Subsurface sewage treatment systems

5.03 Sanitary provisions

5.04 Stormwater management and sediment and erosion control

5.05 Buffer Code

§ 5.01 PUBLIC WATERS.

(A) The public waters of the county have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300 and the protected waters inventory map for the county.

(B) The County Shoreland Management Program regulates public waters with the Shoreland Overlay Zoning District. These waters are shown on the zoning map and are listed below with their classifications:

(1) NE = Natural Environment;

(2) RD = Recreational Development; and

(3) GD = General Development.

(C) (1) *Protected water basins*.

PWI ID	***PWI Name***	***Shoreland Class***
07-0002	Madison	NE
07-0003	Born	NE
24-0049	Trenton	NE
40-0035	Cherry	NE
81-0003	St. Olaf	RD
81-0005	Mud	NE
81-0010	Senn Marsh	NE
81-0013	Watkins	NE
81-0014	Clear	GD
81-0015	Loon	GD

81-0016	Goose	RD
81-0017	Waseca Marsh	NE
81-0018	Gaiter	NE
81-0022	Rice	NE
81-0023	Knutson	NE
81-0027	Everson	NE
81-0044	Silver	NE
81-0055	Reeds	RD
81-0058	Toners	NE
81-0066	Helena	NE
81-0067	Lily	NE
81-0076	Mott	NE
81-0083	Buffalo	NE
81-0086	Willis Slough	NE
81-0087	Sibert	NE
81-0088	Rice	NE
81-0088	Fish	NE
81-0090	Lilly	NE
81-0091	Unnamed (Willis)	NE
91-0092	Hoffman Marsh	NE
81-0095	~~Elysilan~~ Elysian	RD

81-0114	Moonan Marsh	NE

(2) *Protected watercourses.*

Name	***Section***	***From Township***	***Range***	***Section***	***To Township***	***Range***
Name	***Section***	***From Township***	***Range***	***Section***	***To Township***	***Range***
A. Agricultural Rivers						
LeSueur River (LSR)	36	105	22	30	107	24
Big Cobb River	34	105	24	31	105	24
B. Tributary Rivers						
Unnamed to LSR	25	106	22	35	106	22
Unnamed to LSR	36	106	22	36	105	22
Boot Creek (BC)	36	105	23	31	106	22
Bolt Creek	31	105	22	25	105	23
Unnamed to BC	24	105	23	124	105	23
Unnamed to LSR	11	105	23	35	106	23
Little LeSueur River (LLSR)	11	105	22	7	22	
Unnamed to LLSR	9	106	22	9	106	22
Unnamed to LLSR	16	106	22	9	105	22
Unnamed to LSR	21	107	23	34	107	23

Unnamed to Unnamed	27	107	23	27	107	23
Unnamed to LSR	4	106	23	32	107	23
Unnamed to LSR	19	107	23	30	107	23
Unnamed to BCR	32	105	23	34	105	24
Unnamed to Tributary	20	105	24	19	105	24
Little Cobb River (LCR)	14	105	24	31	106	24
Unnamed to LCR	22	105	23	33	106	24
Bull Run Creek (BRC)	4	105	23	18	106	24
Iosco (IC)	20 (Basin 60)	108	23	1 (Basin 95)	108	24
Unnamed to IC	27	108	23	17	108	23
Silver Creek	25	108	24	17	108	23
Unnamed to Lake Elysian	6 (Basin 89)	108	24	10 (Basin 95)	106	24
Unnamed Tributary	28 (Basin 95)	108	24	33	108	24
Unnamed to CD #6	16 (Basin 83)	107	24	8	107	24
White Water Creed (WWC)	25	108	23	3	108	23
Unnamed to WWC	7 (Basin 23)	108	22	11	108	23
Waterville Creek	20	108	22	4	108	22

Crane Creek	22	108	22	1	107	22
Unnamed to Rice Lake	9 (Basin 14)	107	22	4 (Basin 22)	107	22

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

§ 5.03 SANITARY PROVISIONS.

(A) *Required compliance*. All sewage and water systems hereafter constructed or reconstructed shall conform to the provisions of this section and any other ordinance or regulations of the ~~county~~ County and the state.

(B) *Municipal treatment systems*. Methods of disposal shall comply with the standards, criteria, rules and regulations of the State Pollution Control Agency.

(C) *Agricultural waste disposal*. Any agricultural waste disposal operations must conform to the standards, criteria, rules and regulations of the State Pollution Control Agency.

(D) *Water systems*.

(1) Public water facilities, including pipe fittings, hydrants and the like, shall be installed and maintained as required by standards and specifications as established by the County Board and the State Department of Health Standards for water quality.

(2) Where public water facilities are not available, the County Board may by ordinance grant a franchise for such water facilities, to serve all properties within the area where a complete and adequate community water distribution system is designed, and complete plans for the system are submitted to and approved by the County Board and the State Department of Health.

(3) Individual wells shall be constructed and maintained according to standards and regulations contained in the ~~county~~ County water well ordinance and the State Department of Health Well Code.

(E) *Waste water treatment*.

(1) Public wastewater treatment systems shall be installed as required by standards and specifications as established by the Board of County Commissioners, the State Pollution Control Agency, and the State Department of Health.

(2) Where municipal waste water treatment is not available, the Board of County Commissioners may by ordinance grant a franchise for such sewers to serve all properties in the area where a complete and adequate community waste water treatment system and plant are designed, and complete plans for the system and plant are submitted to and approved by the Board of County Commissioners, the State Pollution Control Agency and the State Department of Health before construction.

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

§ 5.04 STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL.

(A) *Best Management Practices encouraged and Stormwater Pollution Prevention Plan required*.

(1) *Best Management Practices (BMPs) encouraged*. Whenever possible, existing natural drainageways, ~~wetlands~~ and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

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

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

(2) *Stormwater Pollution Prevention Plan*.

(a) A Stormwater Pollution Prevention Plan (SWPPP) shall be required to all proposed land development activity, unless otherwise exempted in this ordinance that meets any or all of the following:

1. Any land development activity that may ultimately result in the addition of one acre or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times;

2. A subdivision plat;

3. The construction of any new public or private road; and/or

4. Any land development activity, regardless of size, that the ~~county~~ County determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

(b) A SWPPP shall be required providing the measures to be taken to control or manage runoff and erosion from such land disturbance listed in 5.04(A)(2)(a) both during construction and after final stabilization of the site. No ~~building~~ zoning permit, subdivision approval or permit to allow land-disturbing activities shall be issued until approval of this SWPPP by the MPCA. All SWPPPs shall be consistent with National Pollutant Discharge Elimination System (NPDES) permit requirements, and the filing or approval requirements of other regulatory bodies.

(B) *Erosion and sediment control permit required.* An Erosion and Sediment Control (ESC) permit, including an Erosion and Sediment Control Plan shall be required to all proposed land-disturbing activity, unless otherwise exempted in this ordinance, that meets any or all of the following:

(1) Disturbs a total land surface area of ~~3~~6,000 square feet or more;

(2) Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;

(3) Involves the laying, repairing, replacing or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or ~~other open channel~~ for a distance of 300 feet or more; or

(4) Is a land-disturbing activity, regardless of size, that the ~~county~~ County determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set forth in this ordinance.

(C) *Exemptions*. The following activities shall be exempt from all of the requirements of this ordinance:

(1) Emergency work to protect life, limb or property; and

(2) Routine agricultural activity. Tilling, planting, harvesting and associated activities. Other agricultural activities are not exempt and including activities such as feedlots, storage sheds.

(D) *Stormwater and erosion and sediment control specifications*.

(1) *Stormwater Pollution Prevention Plan requirements*. The minimum requirements of the SWPPP shall be consistent with the most recent version of the NPDES permit requirements.

(2) *Erosion and Sediment Control Plan requirements*. The minimum requirements of the ESC Plan shall be consistent with the most recent version of the NPDES permit requirements.

(E) *Stormwater and erosion and sediment control performance standards*. Stormwater management performance standards.

(1) *Volume control for water quantity*. All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:

(a) Maintain predevelopment peak runoff rates for the one-year and two-year, 24-hour storm events;

(b) Maintain predevelopment peak runoff rates for the ten-year, 24-hour storm event. At a minimum, the storm sewer conveyance system shall be designed for this storm event. Low areas must have an acceptable overland drainage route with the proper transfer capacity when the storm event is exceeded;

(c) Provide a stable emergency overflow to safely pass the 100-year, 24-hour storm event or the 100-year ten-day snowmelt, whichever is greater;

(d) Discharges must have a stable outlet capable of carrying designed flow at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or waterbody;

(e) The project shall use existing natural drainageways and vegetated soil surfaces to convey, treat, filter and retain stormwater runoff before discharge into public waters or a stormwater conveyance system. The applicant shall limit the impervious surface of the developed site or subdivision by incorporating design considerations identified in the Minnesota Stormwater Manual such as narrowing street widths, reducing parking lot space, reducing setbacks and driveways, maximizing open space while incorporating smaller lot sizes to conserve natural areas to help reduce the amount of stormwater runoff generated at the site; and

(f) Runoff from rooftops, driveways and other impervious areas shall be directed to pervious surfaces, where feasible, or unless the applicant can demonstrate the practice is likely to result in nuisance flooding and/or groundwater contamination.

(2) *Infiltration for volume reduction*. The following requirements must be met.

(a) Infiltration volumes and facility sizes shall be designed using the procedures in Chapter 12 of the Minnesota Stormwater Manual.

(b) Design and placement of infiltration BMPs shall be done in accordance with the State Department of Health guidance called “Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas”.

(3) *Protection of surface waters*. Waterbodies shall be protected from runoff generated during construction and after completion of the development in accordance with state statutes and the

NPDES permit. Runoff shall not be discharged directly into surface waters without appropriate quantity and quality runoff control.

(4) BMP *Buffers*.

(a) Buffers are areas of vegetation located adjacent to receiving waters to protect water quality. Buffers help minimize runoff of sediment, debris, nutrients and pesticides into receiving waters by providing an area of undisturbed vegetation in order to trap sediment and debris from adjacent land areas.

(b) Buffers for water quality protection shall commence at the "ordinary high water mark", or at the delineated boundary of the waterbody.

(c) The widths are established by the slope of land between the activity and the water body as follows:

(5) *Slope of land between activity and water body*.

Recommended Width of Filter Strip	
Slope	***Distance****
0 to 10%	50 feet
11 to 20%	51 to 70 feet
21 to 40%	71 to 110 feet
41 to 70%	111 to 150 feet
*For roads, distance is measured from the edge of soil disturbance. For fills, distance is measured from the bottom of the fill slope, filter strip width increases approximately two feet for each percent increase in slope above 10%. For example, the filter strip recommendation for a range in slope values from 11 to 20% is 51 to 70 feet. If the slope is 18%, then the filter strip width is 66 feet.	

(a) The applicant shall maintain the buffer for the first year after completion of the project.

(b) Where land-disturbing construction activity occurs within a buffer area, and where no impervious surface is present, adequate approved native vegetative cover of 70% or greater shall be established and maintained. The native vegetative cover shall be sufficient to provide for bank stability from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

(c) BMPs such as filter strips, swales or wet detention basins, designed to control pollutants from nonpoint pollution sources may be located in the buffer area.

(d) For special waters, impaired waters and wetlands in areas identified by the ~~county~~ County as exceptional buffers shall be a minimum of 100 feet.

(6) *Special, impaired and/or TMDL water requirements*. All projects to special, impaired and/ or TMDL waters must meet the minimum requirements of the NPDES permit to discharge stormwater associated with construction activity.

(7) *Erosion and sediment control performance standards*.

(a) Construction activity requirements for erosion and sediment control are provided in the NPDES permit. They include stormwater pollution prevention plans, erosion prevention practices, sediment control practices, dewatering and basin draining, and final stabilization.

(b) In addition, streets shall be cleaned and swept within 24-hours whenever tracking of sediment of occurs and before sites are left idle for weekends and holidays.

(F) *Pollution prevention*. In addition to the following the applicant will comply with NPDES permit for pollution prevention management measures.

(1) *Illegal disposal*.

(a) No person shall throw, deposit, place, leave, maintain or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place or upon any public or private plot of land in ~~county~~County, so that the same might be or become a pollutant, except in containers, recycling bags or other lawfully established waste disposal facility.

(b) No person shall intentionally dispose of grass, leaves, dirt or other landscape debris into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(2) *Illicit discharges and connections*.

(a) No person shall cause any illicit discharge to enter the public stormwater system unless such discharge:

1. Consists of non-stormwater that is authorized by an NPDES point source permit obtained from the MPCA; and

2. Is associated with firefighting activities.

(b) No person shall use any illicit connection to intentionally convey non-stormwater to ~~county~~ County stormwater system.

(3) *Good housekeeping provisions*. Any owner or occupant of property within the ~~county~~ County shall comply with the following good housekeeping requirements.

(a) No person shall leave, deposit, discharge, dump or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain system may occur. This section shall apply to both actual and potential discharges. For pools, water should be allowed to sit seven days to allow for chlorine to evaporate before discharge. If fungicides have been used, water must be tested and approved for discharge to the wastewater treatment plant.

(b) Runoff of water from residential property shall be minimized to the maximum extent practicable.

(c) Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in ~~county~~ County codes.

(4) *Storage of materials, machinery and equipment*.

(a) Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

(b) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

(5) *Removal of debris and residue*. Debris and residue shall be removed, as noted below.

(a) All motor vehicle parking lots shall be swept, at a minimum of twice a year to remove debris. Such debris shall be collected and properly disposed.

(b) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through ~~county~~ County collection program or at any other appropriate disposal site and shall not be place in a trash container.

(G) *Inspections and maintenance*.

(1) *Inspections and enforcement*. The applicant is responsible for inspections and record keeping in accordance with the NPDES permit requirements. ~~The~~ Waseca County ~~Engineer~~, or a consulting engineer assigned by the County ~~Engineer~~ shall conduct inspections, at an applicant's expense, on a regular basis to ensure that both stormwater and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. Mandatory inspections ~~are~~ may be required as follows:

(a) Before any land-disturbing activity begins;

(b) At the completion of the project; and

(c) Prior to the release of financial securities.

(2) *Stop work order*. In cases where cooperation is withheld, construction stop work orders shall be issued by the ~~county~~County, until stormwater and erosion and sediment control measures meet the requirements of this ordinance. An inspection must follow before work can commence. Expenses incurred by the county will be paid by the developer.

(3) *Construction stop order*. The ~~county~~ County may issue construction stop orders until stormwater management measures meet specifications. A second stormwater management inspection must then be scheduled and passed before the final inspection will be done.

(4) *Perimeter breach*. If stormwater and/or erosion and sediment control management measures malfunction and breach the perimeter of the site, enter streets, other public areas, or waterbodies, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-way from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining permission, if in the discretion of the ~~county~~County, the applicant does not repair the damage caused by the stormwater runoff the ~~county~~ County can do the remedial work required and charge the cost to the applicant.

(5) *Actions to ensure compliance*. The ~~county~~ County can take the following action in the event of a failure by applicant to meet the terms of this ordinance:

(a) Withhold inspections or issuance of certificates or approvals;

(b) Revoke any permit issued by the ~~county~~ County to the applicant;

(c) Conduct remedial or corrective action on the development site or adjacent site affected by the failure;

(d) Charge applicant for all costs associated with correcting the failure or remediating damage from the failure. If payment is not made within 30 days, payment will be made from the applicant's financial securities;

(e) Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance; and

(f) Any person, firm or corporation failing to comply with or violating any of these regulation shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violation exists shall constitute a separate offense.

(H) *Long-term inspection and maintenance of stormwater facilities*.

(1) *Private stormwater facilities*. No private stormwater facilities may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals. All private stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance standards for which they were originally designed.

(a) *Facility access*. Access to all stormwater facilities must be inspected annually and maintained as necessary. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance for both the responsible party and the ~~county~~County.

(b) *Removal of settled materials*. All settled materials from ponds, sumps, grit chambers and other devices, including settled solids, shall be removed and properly disposed of.

(c) *County inspections*. All stormwater facilities within the county ~~shall~~ may be inspected by ~~the~~ Waseca County ~~Engineer~~ or a consulting engineer assigned by the County ~~Engineer~~~~,~~ during construction, during the first year of operation, and at least once every five years thereafter.

(2) *Public stormwater facilities*.

(a) *Acceptance of publicly owned facilities*. Before work under the permit is deemed complete, the permittee must submit as-builts and a maintenance plan to ~~the~~ Waseca County ~~Engineer~~ demonstrating at the time of final stabilization that the stormwater facilities conform to design specifications. A final inspection shall be required before the county accepts ownership of the stormwater facilities.

~~(b) *Inventory of stormwater facilities*. Upon adoption of this ordinance, the county shall inventory and maintain a database for all private and public stormwater facilities within county requiring maintenance to assure compliance with this ordinance. The county shall notify owners of public and private stormwater facilities of the need for conducting maintenance at least every five years, following the completion and public acceptance of the facilities.~~

(~~c~~b) *Maintenance*. The ~~county~~ County shall perform maintenance of publicly owned stormwater facilities in accordance with their comprehensive stormwater management plan and other regulatory requirements.

(I) *Permit review process, financial procedures and enforcement actions*.

(1) *Pre-review*. The County ~~Engineer~~ shall make a determination regarding the completeness of a permit application within ten days of the receipt of the application and notify the applicant if the application is not complete.

(2) *Permit review*. The applicant shall not commence any construction activity subject to this ordinance until a permit has been authorized by the County ~~Engineer~~. A complete review of the permit application shall be done within 14 business days of the receipt of a complete permit application from the applicant. The county will work with the necessary State, County and local agencies to complete the review.

(3) *Permit authorization*. If the ~~county~~ County determines that the application meets the requirements of this ordinance, the county may issue approval which authorizes the project or activity. The approval shall be valid for one year. Approval will typically be in the form of a letter from the County Engineer to the applicant.

(4) *Permit denial*. If the ~~county~~ County determines the application does not meet the requirements of this ordinance, this application must be resubmitted for approval before activity begins. All land use and building permits shall be suspended until the applicant has an authorized permit.

(5) *Modification of plans*. The applicant must amend the ESC Plan or SWPPP as necessary to include additional requirements such as additional or modified BMPs designed to correct problems identified or address situations whenever:

(a) A change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters;

(b) Inspections or investigations by site operators, local, state or federal officials indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances; or

(c) The plan is not achieving the general objectives of minimizing pollutants in stormwater discharges associated with construction activity, or the plan is not consistent with the terms and conditions of this permit.

(6) *Variance requests*. The County may grant a variance on a case-by-case basis. The content of a variance shall be specific, and shall not affect other approved provisions of a permit.

(a) The variance request shall be in writing and include the reason for requesting the variance.

(b) Economic hardship is not sufficient reason for granting a variance.

(c) The County shall respond to the variance request in writing and include the justification for granting or denying the request.

(7) *Financial securities*. The applicant ~~shall~~ may be required provide security for the performance of the work described and delineated on the approved permit and related remedial work in an amount of $3,000 per gross acre ($6,000 for work done in special or impaired waters as determined by the county) or $1,500 for each single or two-family home, whichever is greater. This amount shall apply to the maximum acreage of soil that will be simultaneously exposed during the project's construction. The form of the securities shall be one or a combination of the following to be determined by the County.

(a) *Cash deposit*. The first $3,000 of the financial security for erosion and sediment control shall be by cash deposit to the County.

(b) *Securing deposit*. Deposit, either with the County, a responsible escrow agent, or trust company, at the option of the County, either:

1. An irrevocable letter of credit or negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein the financial institution pledges funds are on deposit and guaranteed for payment;

2. Cash in U.S. currency; or

3. Other forms and securities (e.g., disbursing agreement) as approved by the county.

(c) *County free and harmless*. This security shall save the county free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the County.

(8) *Maintaining the financial security*. If at anytime during the course of the work this amount falls below 50% of the required deposit, the developer shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the developer does not bring the financial security back up to the required amount within seven days after notification by the county that the amount has fallen below 50% of the required amount, the county may:

(a) Withhold inspections. Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy.

(b) Revocation of permits. Revoke any permit issued by the County to the applicant for the site in question or any other of the applicant's sites within the county's jurisdiction.

(9) *Proportional reduction of the financial security*. When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the County can reduce the total required amount of the financial security by one-third. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the county can reduce the total required amount of the financial security to two-thirds of the initial amount. This reduction in financial security will be determined by the county staff.

(10) *Action against the financial security*. The County may access financial security for remediation actions if any of the conditions listed below exist. The County shall use the security to finance remedial work undertaken by the county, or a remedial work including, but not limited to, staff time and attorney's fees.

(a) *Abandonment*. The developer ceases land-disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.

(b) *Failure to implement the SWPPP or ESC plan*. The developer fails to conform to the grading plan and/or the SWPPP as approved by the County.

(c) *Failure to perform*. The techniques utilized under the SWPPP fail within one year of installation.

(d) *Failure to reimburse county*. The developer fails to reimburse the County for corrective action taken.

(11) *Returning the financial security*. The security deposited with the County for faithful performance of the SWPPP or the ESC Plan and any related remedial work shall be released one full year after the completion of the installation of all stormwater pollution control measures as shown on the SWPPP or ESC Plan.

(12) *Emergency action*. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the health, safety and welfare, as determined by the County, the County may take emergency preventative action. The county shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the county may be recovered from the applicant's financial security.

(13) *Notification of failure of the permit*. The County shall notify the permit holder of the failure of the permit's measures.

(a) *Initial contact*. The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, 48 hours after notification by the County or 72 hours after the failure of erosion and sediment control measures, whichever is less, the County at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the county has been unable to establish contact, the County may proceed with corrective work. There are conditions when time is of the essence in controlling erosion. During such a condition, the county may take immediate action, and then notify the applicant as soon as possible.

(b) *Erosion off-site*. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the County, may more than seven calendar days go by without corrective action being taken.

(c) *County may do remedial work*. If in the discretion of the County, the permit holder does not repair the damage caused by the erosion, the County may do the remedial work required. When restoration to wetlands and other resources are required, the applicant should be required to work with the appropriate agency to ensure that the work is done properly.

(d) *Erosion into streets, wetlands or water bodies*. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

(e) *Failure to do corrective work*. When an applicant fails to conform to any provision of this policy within the time stipulated, the County may take the following actions:

1. Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a certificate of occupancy;

2. Revoke any permit issued by the County to the applicant for the site in question or any other of the applicant's sites with in the County's jurisdiction;

3. Correct the deficiency or hire a contractor to correct the deficiency;

4. Require reimbursement to the County for all costs incurred in correcting stormwater pollution control deficiencies;

5. If payment is not made within 30 days after costs are incurred by the county, payment will be made from the applicant's financial securities as described in subsection (I)(7) above; and/or

6. If there is an insufficient financial amount in the applicant's financial securities as described in subsection (I)(7) above, then the County may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the County, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S. § 429.081, as it may be amended from time to time, to challenge the amount or validity of assessment.

(14) *Enforcement*. The County shall be responsible enforcing this ordinance and assessing any penalties. Any person, firm or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use and building permits must be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

(15) *Right of entry and inspection*. The issuance of a permit constitutes a right-of-entry for the County or its contractor to enter upon the construction site. The applicant shall allow the County and its authorized representatives, upon presentation of credentials to:

(a) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys;

(b) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations;

(c) Examine and copy any books, papers, records or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site;

(d) Inspect the stormwater pollution control measures;

(e) Sample and monitor any items or activities pertaining to stormwater pollution control measures; and

(f) Correcting deficiencies in stormwater and erosion and sediment control measures.

(16) *Abrogation and greater restrictions*. It is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

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

§ 5.05 BUFFER CODE.

(A) *Statutory authorization and policy*.

(1) *Statutory authorization*. This buffer ordinance is adopted pursuant to the authorization and policies contained in M.S. § 103F.48, as it may be amended from time to time, the Buffer Law, and the County Planning And Zoning enabling legislation in M.S. Chapter 394, as it may be amended from time to time.

(2) *Purpose and intent*. It is the purpose and intent of the County to:

(a) Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:

1. Protect state water resources from erosion and runoff pollution;
2. Stabilize soils, shores and banks; and
3. Protect or provide riparian corridors.

(b) Coordinate the implementation and enforcement of the water resources riparian protection requirements of M.S. § 103F.48, as it may be amended from time to time with the shoreland management rules and ordinances adopted under the authority of M.S. §§ 103F.201 to 103F.227, as they may be amended from time to time, and the management of public drainage systems established under M.S. Chapter 103E, as it may be amended from time to time, where applicable; and

(c) Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.

(B) ~~*Definitions and general*~~*General provisions*.

~~(1) *Definitions*. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the same meaning they have in common usage and to give this section its most reasonable application. For the purpose of this section, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.~~

~~***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.~~

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

~~***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.~~

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

~~***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.~~

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

~~***LANDOWNER.*** 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.~~

~~***LOCAL WATER MANAGEMENT AUTHORITY.*** The meaning provided in M.S. § 103F.48, Subd. 1(g), as it may be amended from time to time.~~

~~***NORMAL WATER LEVEL.*** 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.~~

~~***PARCEL.*** A unit of real property that has been given a tax identification number maintained by the county.~~

~~***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.~~

~~***SWCD.*** Soil and Water Conservation District.~~

(~~2~~1) *Severability*. If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(~~3~~2) *Data sharing/management*.

(a) The county may enter into arrangements with an SWCD, a watershed district if applicable, BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this section.

(b) The ~~county~~ County will manage all such data in accordance with the Minnesota Data Practices Act and any other applicable laws.

(C) *Jurisdiction*. The provisions of this section apply to all waters, shown on the buffer protection map, excluding public drainage systems for which the ~~county~~ County is not the drainage authority under M.S. Chapter 103E, as it may be amended from time to time.

(D) *Buffer requirements*.

(1) *Buffer width*. Except as provided in subsections (D)(4) and (5), a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer area as follows:

(a) For waters shown on the buffer protection map requiring a 50-foot width buffer, the buffer width will be 50-foot average and 30-foot minimum width as provided in M.S. § 103F.48, Subd. 3, as it may be amended from time to time, as measured according to subsection (D)(2); and

(b) For waters shown on the buffer protection map requiring a 16.5-foot minimum width buffer, the buffer width will be 16.5 feet as provided in M.S. § 103F.48, Subd. 3, as it may be amended from time to time, and as measured according to subsection (D)(2).

(2) *Measurement*.

(a) The width of any required buffer on land adjacent to a water requiring a 50-foot average width and a 30-foot minimum width buffer shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in M.S. § 103F.48, Subd.3(c), as it may be amended from time to time.

(b) The width of any required buffer on land adjacent to a water requiring a 16.5-foot minimum width buffer shall be measured in the same manner as for measuring the vegetated grass strip under M.S. § 103E.021, Subd. 6, as it may be amended from time to time, as provided in M.S. § 103F.48, Subd. 3(c), as it may be amended from time to time.

(3) *Use of buffer area*. Except as provided in subsections (D)(4) and (5), a buffer as defined in this section may not be put to any use, included but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.

(4) *Exemptions*. The requirement of subsection (D)(1) does not apply to land that is exempted from the water resources riparian protection requirements under M.S. § 103F.48, Subd. 5, as it may be amended from time to time.

(5) *Alternative practices*. As provided in M.S. § 103F.48, Subd. 3(b), as it may be amended from time to time, an owner of land that is used for cultivation farming may demonstrate compliance with subsection (D)(1) by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required buffer as defined in subsections (D) through (D)(3). The adequacy of any alternative practice allowed under this section shall be based on:

(a) The Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

(b) Common alternative practices adopted and published by BWSR;

(c) Practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or

(d) Other practices adopted by BWSR.

(6) *Nonconformity*. Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this section, the provisions of such shall be controlling. The continuation of nonconformities provided for by M.S. §§ 394 and 462, as they may be amended from time to time, shall not apply to compliance with this section and M.S. § 103F.48, as it may be amended from time to time.

(E) *Compliance determinations*.

(1) *Compliance determinations*. Compliance with the buffer requirements set forth in subsection (D) will be determined by the SWCD on a parcel by parcel basis. The compliance status of each bank, or edge of a waterbody on an individual parcel will be determined independently.

(2) *Investigation and notification of noncompliance*. When the County ~~county~~ identifies a potential noncompliance with the buffer requirements or receives a third party complaint from a private individual or entity, or from another public agency, it will consult with the SWCD to determine the appropriate course of action to document compliance status. This may include communication with the landowner, inspection or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of the evidence gathered in this process, the SWCD may issue a notification of noncompliance to the County~~county~~. If the SWCD does not issue such a notification, the County ~~county~~ will not pursue a compliance or enforcement action under M.S.§ 103F.48, as it may be amended from time to time and subsection (F)(2).

(a) At any time during process set forth in subsections (E)(2) and (3), the landowner may provide documentation of compliance to the SWCD.

(b) Compliance determination: the SWCD will evaluate the available documentation, and/or evaluate and/or inspect the buffer and/or alternative practices to determine if the parcel is in compliance. Upon completion of the evaluation and/or inspection the SWCD shall issue a written compliance determination to the landowner, the County ~~county~~ and BWSR. The SWCD may also issue a validation of compliance if applicable and requested by the landowner.

(3) *Corrective action notice*.

(a) On receipt of an SWCD notification of noncompliance, the county will issue the landowner a corrective action notice that will:

1. Include a list of corrective actions needed to come into compliance with the requirements of M.S. § 103F.48, as it may be amended from time to time;

2. Provide a timeline for complying with the corrective action notice;

3. Provide a compliance standard against which the County ~~county~~ will judge the corrective action; and

4. Include a statement that failure to respond to this notice may result in the assessment of criminal, civil or administrative penalties.

(b) The County ~~county~~ may send the landowner a combined corrective action notice and APO as provided in subsection (F)(2) so long as the combined notice/APO includes all the required elements of both.

(c) The County ~~county~~ shall transmit the corrective action notice by either personal service to the landowner or by depositing the same in the U.S. mail. If service is made by U.S. mail, the document is deemed received three business days after the notice was placed in the U.S. mail. Failure of actual receipt of a corrective action notice that has either been personally served or served by depositing the same in the U.S. mail shall not be deemed a defense in an enforcement proceeding under subsection (F). The County ~~county~~ shall also send a copy of the notice to the SWCD and BWSR.

(d) Counties may modify the corrective actions and timeline for compliance, in accordance with subsection (E)(2), to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.

(e) At any time after receipt of a corrective action notice, the landowner may provide documentation of compliance to the County~~county~~. In addition, the landowner may supply information to the County ~~county~~ or the SWCD in support of a request to modify a corrective action or the timeline for compliance. On the basis of any such submittal or at its own discretion, the County ~~county~~ may make a written modification to the corrective action notice or timeline for compliance. The County ~~county~~ should also make a written determination documenting whether the noncompliance has been fully corrected. Any such modification of a compliance determination will be served on the landowner in the manner provided for in subsection (E)(3). The County ~~county~~ shall provide the SWCD and BWSR a written copy of any modification made pursuant to this provision.

(f) The SWCD may, after an evaluation of the evidence documenting compliance submitted by the landowner, issue a written validation of compliance if requested by the landowner. Upon receipt by the County ~~county~~ of a written compliance determination issued by the SWCD, the corrective action notice will be deemed withdrawn for the purpose of subsection (F), and the subject property will not be subject to enforcement under that section.

(F) *Enforcement*.

(1) *Failure to comply with a corrective action notice issued under subsection (E)*. The County ~~county~~ may, at its own discretion, elect to pursue the failure to comply with a corrective action notice either criminally or through an administrative penalty order as set forth herein.

(a) Failure to comply with a corrective action notice issued under subsection (E) constitutes a misdemeanor and shall be punishable as defined by law.

(b) The County ~~county~~ may issue an APO as provided for in M.S. §§ 103F.48, Subd. 7(b) and (c) and 103B.101, Subd. 12a, as they may be amended from time to time, to a landowner who has failed to take the corrective action set forth in the corrective action notice. For the APO to be effective it must be served on the landowner together with a copy of the corrective action notice or alternatively, the County ~~county~~ may serve the landowner with a combined corrective action notice and APO so long as the combined notice/APO includes all the elements of both. Service is effective either by

personal service or by depositing the documents set forth herein in the U.S. mail. Any penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the corrective action notice and APO.

(2) *Administrative penalty order (APO).*

(a) Initial violation: the penalty for a landowner on a single parcel that has not previously been the subject of an APO issued by the County ~~county~~ shall be:

1. $0 for 11 months after issuance of the corrective action notice;

2. $50 per parcel per month for the first six months (180 days) following the time period in subsection (F)(2)(a)1.; and

3. $200 per parcel per month after six months (180 days) following the time period in subsection (F)(2)(a)2.

(b) Repeat violation: the penalty for a landowner on a single parcel that has previously been the subject of an APO issued by the County ~~county~~ shall be:

1. $50 per parcel per day for 180 days after issuance of the corrective action notice; and

2. $200 per parcel per day for after 180 days following the time period in subsection (F)(2)(b)1.

(c) Ongoing penalty assessment: any penalty assessed under this section shall continue until the corrective action notice has been satisfied.

(d) To be valid, the APO shall include, at a minimum:

1. The facts constituting the violation of the riparian protection and water quality practices requirements set forth in subsection (D) or M.S. § 103F.48, as it may be amended from time to time;

2. The specific statute and/or ordinance section(s) that has/have been violated;

3. A written description of prior efforts to work with the landowner to resolve the violation;

4. The amount of the penalty to be imposed;

5. The date the penalty will begin to accrue;

6. The date that payment of the penalty is due;

7. The date by which all or part of the penalty may be forgiven if the landowner has/have complied with the corrective action notice; and

8. A statement of the landowner's right to appeal the APO.

(e) All or part of the penalty may be forgiven based on the correction of the noncompliance by the date specified in the APO by the landowner as provided in M.S. § 103F.48, Subd. 7(d), as it may be amended from time to time.

(f) A copy of the APO must be sent to the SWCD and BWSR.

(g) An APO issued under this subsection may be appealed to the BWSR within 30 days of receipt by the landowner in accordance with the requirements set forth in M.S. § 103F.48, Subd. 9, as it may be amended from time to time. Any APO that is not appealed within the 30-day period shall be deemed final.

(3) *Administrative penalty order procedures.*

(a) *Statute of limitations*. According to M.S. § 541.07, as it may be amended from time to time, the County ~~county~~ has two years in which to commence an APO action after the date the violation is discovered. The goal is to complete the action as soon as reasonably practical, recognizing that situations for which data must be gathered, field investigations must be completed and/or modeling must be performed will require adequate time to complete the work and communicate with the landowner involved.

(b) *Compliance verification*.

1. Once a landowner has submitted written evidence of correction of the violation set forth in the notice of compliance, compliance must be verified. The county will:

a. Review and evaluate all information related to the APO to determine if the violation has been corrected;

b. Verify compliance by site visit, re-inspection, examination of documentation or other means as may be reasonable under the facts of the case; and

c. Document compliance verification.

2. The County ~~county~~ may consult with the SWCD when conducting a compliance verification.

(c) *Right to appeal*. Within 30 days after receipt of the APO, a landowner may appeal the terms and conditions of an APO issued by a County ~~county~~ to BWSR as provided in M.S. § 103F.48, Subd. 9, as it may be amended from time to time. The appeal must be in writing and must include a copy of the APO that is being appealed, the basis for the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically, to the Executive Director of BWSR.

(d) *Penalty due*.

1. Unless the landowner appeals the APO as provided in subsection (F)(3)(c), the penalty specified in the APO becomes immediately due and payable to the County ~~county~~ as set forth in the APO. If, however, the landowner submits written documentation that the violations has been corrected prior to the time the penalty becomes due and payable, the County ~~county~~ shall verify compliance and adjust the penalty to an amount the landowner would have owed had the penalty been paid on the date the landowner submitted written documentation of compliance. Written documentation of compliance may include a written validation of compliance issued by the SWCD.

2. However, if the County ~~county~~ determines the violation was not fully corrected, the county shall notify the landowner by issuing a written letter of determination and depositing it in the U.S. mail. Any determination sent by U.S. mail shall be deemed received three business days after the letter of determination has been deposited in the U.S. mail. The landowner shall have an additional 20 days after receipt of the letter of determination to pay the penalty or the time period specified in the APO as issued, whichever is later. The penalty will continue to accrue until the violation is corrected as provided in the corrective action notice and APO.

(e) *Referral for collection of penalty*. All penalties and interest assessed under an APO must be paid by the landowner within the time specified in this section. All payments shall be made payable to the County~~county~~. Any penalty or interest not received in the specified time may be collected by the county using any lawful means.

(f) *Reporting and documentation*. The County ~~county~~ shall maintain the following records for any potential violation of the riparian protection and water quality practices requirements. Said records shall include but are not limited to the following:

1. The cause of the violation;

2. The magnitude and duration of the violation;

3. Documentation showing whether the violation presents an actual or imminent risk to public health and safety;

4. Documentation showing whether the violation has the potential to harm to the natural resources of the state;

5. A record of past violations;

6. Efforts by the SWCD, County~~county~~, Watershed District or BWSR to assist the responsible party or parties to become compliant, including written and oral communications with the responsible party or parties; and

7. Past and present corrective action efforts by the responsible party or parties.

(Ord. 126, passed 10-17-2017)

ARTICLE 6: ZONING DISTRICT REGULATIONS

Section

General Provisions

6.01 Districts and district boundaries

6.02 Allowed and conditional land uses

6.03 Summary table of dimensional standards

6.04 County zoning map; entire county and area detail

6.05 General standards for agricultural and natural resource uses

6.06 Specific standards for animal agriculture (“feedlot ordinance”)

6.07 Specific standards for agricultural, natural resource and related uses

Agricultural Zoning Districts and Related Uses

6.08 A-1 Agricultural Protection District Standards

6.09 Transfer of development rights (TDR)

Residential Zoning Districts and Related Uses

6.10 General standards for Residential Districts

6.11 Specific standards for residential and related uses

6.12 Residential, institutional and civic uses off-street parking regulations

6.13 Specific standards for institutional and civic uses

6.14 LR Limited Residential District

Commercial and Industrial Zoning Districts and Related Uses

6.15 General standards for commercial and industrial uses

6.16 Specific standards for commercial and industrial uses

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

§ 6.01 DISTRICTS AND DISTRICT BOUNDARIES.

(A) *Reclassification*. The zoning districts established under the prior zoning ordinance shall be reclassified as shown in the reclassification list associated with the official zoning map.

(B) *Establishment of districts and overlay zones*.

(1) *Districts, overlay zones*. In order to carry out the purpose and intent of this ordinance, the unincorporated territory of the county is hereby divided into the following zoning districts and overlay zones:

(a) A-1 Agricultural Protection District;

(b) LR Limited Residential District ~~(including setback)~~;

(c) UE Urban Expansion District;

(d) VMX Village Mixed Use District;

(e) HC Highway Commercial District;

(f) I General Industrial District;

(g) HO Highway 14 Overlay District;

(h) SO Shoreland Overlay District;

(i) FO Floodplain Overlay District;

(j) AO Airport Overlay District; and

(k) AIC Agricultural Interpretive Center District.

(2) *Boundaries and official zoning map*. The boundaries of zoning districts and overlay zones are hereby established as shown on the official zoning map of the unincorporated area of the county which maps and notations and references and other matters shown thereon, shall be and are hereby made a part of this ordinance.

(C) *Electronic map*. The official zoning map may be in hard copy or electronic format or both as specified by a resolution of the Board of Commissioners.

(1) *Where filed*. The official zoning map shall be filed in the office of the County Planning and Zoning Department.

(2) *Official signature*. The official zoning map shall be identified by the written or electronic signature of the Chairperson of the Board of Commissioners, and attested by the County Auditor under the following words: “This is to certify that this is the “official zoning map” referred to in § 6.01(C) of the county zoning ordinance, adopted on July 21, 2009.”

(3) *Map amendments*. If, in accordance with the rezoning and map amendment provisions of § 3.03, changes are made in the district boundaries, the ordinance number and date of the change shall be recorded by the Zoning Administrator on the official zoning map.

(4) *Replacement if destroyed*. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use, the Board of Commissioners may by resolution adopt a new official zoning map that shall supersede the prior official zoning map. The

new official zoning map may correct drafting or other errors or omissions in the prior official zoning map; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

(5) *Effect of vacated railroads, streets, roads, alleys and highways*. Whenever any railroad, street, road, alley or highway right-of-way is vacated by official action as provided by law, the zoning districts adjoining the sides of such public way shall be automatically extended to the center of the rights-of-way, and the right-of-way thus vacated shall henceforth be subject to all regulations of the extended district or districts.

(D) *Rules for interpretation of district boundaries*. In cases where the exact location of the district boundary is not clear as shown on the official zoning map, the following rules shall be used in determining the location of the district boundary.

(1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines. If the centerline changes, the boundary shall be construed as moving with the centerline changes.

(6) Boundaries indicated as parallel to or extensions of features indicated in subsections (D)(1) through (D)(5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(7) Where physical features existing on the ground differ from those shown on the official zoning map, or in other circumstances not covered by subsections (D)(1) through (D)(6) above, the Zoning Administrator shall interpret the district boundaries.

(E) *New territory*. All territory which may hereafter become a part of the unincorporated area of the county that is regulated by this ordinance, by the dissolution of any city or severance of any part of a city, shall automatically be classed as lying and being within the same zoning district as the adjacent unincorporated land. If more than one zoning district is adjacent to the new unincorporated area, the area shall automatically be classified as lying and being within the A-1 Agricultural Protection District until such classification shall have been changed by a rezoning and map amendment as provided for in § 3.03.

(F) *Zoning districts dividing property/split zoning*. Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification and for the determination of yard and density requirements.

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

§ 6.02 ALLOWED AND CONDITIONAL LAND USES.

Table 6.10, in § 6.26 establishes the uses in the zoning districts within the county. For the purposes of the table:

(A) *Permitted uses*. Uses specified with a "P" in Table 6.10 are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Certain permitted uses are subject to the specific development standards of this ordinance;

(B) *Conditional uses*. Any use lawfully established prior to the effective date of this ordinance, which is shown in Table 6.10 and designated with a "C", is allowed as a conditional use allowed in the district. A conditional use under this ordinance may continue without specific approval by the Board of Commissioners but is subject to the specific development standards of this ordinance;

(C) *Prohibited uses*. Any use not listed as either "P" (permitted), "C" (conditional) or a permitted accessory use within a particular district, or found to a similar use as described below shall be prohibited in that district;

(D) *Similar use*. The Zoning Administrator may, upon written request, issue a statement of clarification finding that a use is sufficiently similar to another other use regulated in the zoning code. If the Zoning Administrator determines a use is not similar, a property owner or contract purchaser may make application for a determination of similar use as specified in § 3.03; and

(E) *Accessory uses*. Accessory uses shall be located on the same lot and shall be associated with and incidental to an allowed principal use. Allowed accessory uses are indicated ~~below~~ in § 6.26 (under Table 6.10). In addition, accessory uses shall meet all the following requirements.

(1) A mobile home shall not be an accessory use.

(2) Travel trailers, mobile homes, movable containers or similar structures intended to be movable shall not be considered accessory structures.

~~*Table 6.1 Other Uses and Accessory Uses*~~						
~~*Other Uses*~~	~~*A-1 Agriculture*~~	~~*LR Limited Residential*~~	~~*UE Urban Expansion*~~	~~*VMX Village Mixed Use*~~	~~*HC Highway Commercial*~~	~~*I General Industrial*~~
~~*Table 6.1 Other Uses and Accessory Uses*~~						
~~*Other Uses*~~	~~*A-1 Agriculture*~~	~~*LR Limited Residential*~~	~~*UE Urban Expansion*~~	~~*VMX Village Mixed Use*~~	~~*HC Highway Commercial*~~	~~*I General Industrial*~~
~~Antennas for radio, television and~~	~~C~~					~~C~~

communication facilities						
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					
Accessory uses and structures						
Family daycare	P	P	P	P		
Group family daycare	P	P	P	P		
Keeping of animals other than household pets (non-farm)	C					
Kennels, private	C	C		C		P
Outdoor display	C		C	C	C	P
Parking facility				P	P	P
Solar equipment	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	P	P	P	P	P	P

~~principal use including sheds and garages~~						

(F) *Temporary uses*. The following temporary uses shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located and all other applicable regulations of this ordinance. Special events and sales as listed below may require a special event permit, as specified in § 3.09.

(1) *Garage sales*. Garage sales shall be limited to a total of ten days of operation per calendar year at any residential location.

(2) *Construction sites*. Storage of building materials and equipment or temporary buildings for construction purposes may be located on the site under construction for the duration of the construction or a period of one year, whichever is less. The Zoning Administrator may grant extensions to this time limit for good cause shown.

(3) *Amusement events*. Temporary amusement events, including the erection of tents for such events, may be allowed as a temporary use for a maximum of 15 days per calendar year. In residential districts, such temporary amusement events shall be located on institutional and public property only.

(4) *Promotional activities, sales and display*. Promotional activities including indoor and/or outdoor sales and display may be allowed as a temporary use in nonresidential districts for a maximum of 30 days per calendar year. Such sales and display may also be conducted within a tent or other temporary structure.

(5) *Seasonal outdoor sale of agricultural products*. The seasonal outdoor sale of agricultural products, including but not limited to produce, plants and Christmas trees, may be allowed as a temporary use. In no case, however, shall the public right-of-way ~~or any public property~~ be utilized for the sale and display of such items.

(6) *Additional temporary uses and events*. In addition to the temporary uses and events listed above, the Zoning Administrator may allow other temporary uses and events for a maximum of ten days per calendar year, provided that the proposed temporary use or structure is ~~substantially~~ similar to a temporary use or event listed above.

(G) *Temporary operation of equipment*. The Zoning Administrator may grant an interim use permit for temporary operation of equipment in any zoning district in conjunction with highway construction or a similar public purpose. Such operation may include a bituminous plant, ready mix plant, contractor's yard and similar uses.

(1) The use shall comply with all applicable federal, state and county rules, regulations and ordinances.

(2) All equipment and temporary buildings shall meet the setbacks of the underlying zoning district.

(3) The interim use permit shall contain a commencement and a termination date and any other conditions deemed necessary and proper to protect the surrounding properties.

(4) Any excavation of materials shall meet the standards of § 5.04 ("Stormwater Management and Sediment and Erosion Control").

(Ord. 97, passed 7-29-2009)

§ 6.03 SUMMARY TABLE OF DIMENSIONAL STANDARDS.

The following table offers examples of the dimension standards for several zoning districts. The Agricultural Interpretive Center District (AIC) and Shoreland Standards are not included in this table. Please refer to the dimension standards included in the individual zoning districts as well as other provisions, standards, regulations, requirements as contained in the Unified Development Code, including, but not limited to, the development review processes and requirements, general regulations, general environmental regulations, conservation design, transfer of development rights and the like.

Table 6.2

CLICK HERE TO VIEW TABLE AS PDF DOCUMENT

(Ord. 97, passed 7-29-2009; Ord. 138, passed 9-3-2019; Ord. 150, passed 5-3-2022)

§ 6.04 COUNTY ZONING MAP; ENTIRE COUNTY AND AREA.

The official zoning map, and any and all amendments thereto, are adopted by reference and included in this code as fully as if set out at length herein. A copy may be found in the office of the County Clerk.

(Ord. 97, passed 7-21-2009; Ord. 104.1, passed 6-21-2011; Ord. 116, passed 6-17-2014)

§ 6.05 GENERAL STANDARDS FOR AGRICULTURAL AND NATURAL RESOURCE USES.

(A) *Purpose*. The standards in this section are established to provide supplemental regulations to address the unique characteristics of certain land uses.

(B) *Applicability*. The standards in this section apply to the uses listed below within the zoning districts in which they are allowed, whether the uses are permitted or conditional. The standards in this section shall apply in addition to the general criteria for conditional uses in § 3.07, and all other applicable regulations.

(C) *Exempted agricultural uses*. It is not the intent of this section to control uses that qualify for the farm exemption.

(D) *Animal units*. Table 6.3 shows the animal unit measures for common agricultural animals.

Table 6.3 Animal Unit Equivalents	
Animal	***Per Animal***
One mature dairy cow over 1,000 pounds	1.4 animal units
One dairy cow under 1,000 pounds	1.0 animal units
One heifer	0.7 animal units
One calf (under 500 pounds)	0.2 animal units

One slaughter steer or stock cow	1.0 animal units
One feeder cattle	0.7 animal units
One cow and calf pair	1.2 animal units
One swine between 55 and 300 pounds	0.3 animal units
One swine over 300 pounds	0.4 animal units
One nursery pig under 55 pounds	0.05 animal units
One horse	1.0 animal units
One sheep or lamb	0.1 animal units
One laying hen or broiler (using liquid manure system)	0.033 animal units
One chicken over 5 pounds (using dry manure system)	0.005 animal units
One chicken under 5 pounds (using dry manure system)	0.003 animal units
One turkey over 5 pounds	0.018 animal units
One turkey under 5 pounds	0.005 animal units
One duck	0.01 animal units
One goat	0.15 animal units
For any animal not appearing in the above chart, the average weight of the animal divided by 1,000 pounds will determine its AU value.	

(E) *Preservation of farming practices ("right to farm").*

(1) *Introduction and intention*. It is the declared policy of this county to enhance and encourage agricultural operations within the county.

(a) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations may be the subject of private nuisance complaints that would result in the cessation or curtailment of operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole.

(b) It is the purpose and intent of this section to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.

(c) Agricultural production that complies the requirements of this ordinance shall not be considered by this county as constituting a nuisance.

(d) This ordinance is not to be construed as in any way modifying or abridging the state statutes and rules, rather, it is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

(2) *Declaration*. Agricultural operation is not a nuisance. An agricultural operation, which continues without interruption or change, shall not become a private nuisance if the operation was not a nuisance at its established date of operation. The provisions of this subsection do not apply:

(a) To a condition or injury, which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices;

(b) To applicable state or local laws, ordinances, rules or permits;

(c) When an agricultural operation causes injury or direct threat or injury to the health or safety of any person; and

(d) To the pollution of, or change in the condition of, waters of the state or the water flow of waters on the lands of any person; to an animal feedlot facility of 1,000 or more animal units.

(F) *The County Farmland Preservation Plan*. The county's Farmland Preservation Plan, adopted by the Board of County Commissioners in 1987 shall remain in effect and is hereby incorporated into this code by reference.

(Ord. 97, passed 7-21-2009; Ord. 105, passed 8-2-2011; Ord. 147, passed 8-3-2021)

§ 6.06 SPECIFIC STANDARDS FOR ANIMAL AGRICULTURE ("FEEDLOT ORDINANCE").

(A) *Purpose*. An adequate supply of healthy livestock, poultry and other animals is essential to the well being of the county citizens and the state. These domesticated animals provide our daily source of meat, milk, eggs and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices. However, livestock, poultry and other animals produce manure, which may, where improperly stored, transported or disposed, negatively affect the county's environment.

(1) The following regulations for the control of livestock, poultry, other animal feedlots and manure application have been enacted to provide protection to surface and ground water resources from manure and excess nutrients, while also recognizing the irreplaceable qualities nutrients in manure provide to soil and the overall importance livestock plays in the production of agricultural crops. ~~against pollution caused by manure from domesticated animals; however, these rules recognize that animal manure provides beneficial qualities to the soil and to the production of agricultural crops.~~

(2) This ordinance provides for a cooperative program between the county and the State Pollution Control Agency. Pollution prevention measures, where deemed necessary by the Agency, should be individually designed and developed to provide the site-specific controls needed for the operation in question. Therefore, a joint county-state program is desirable because it will ensure local involvement, minimize disruption to agricultural operations and protect the environment. This

ordinance complies with the policy and purpose of the state in regard to the control of pollution as set forth in M.S. Chapters 115 and 116, as they may be amended from time to time.

(B) *Adoption by reference of state regulations.* Pursuant to M.S. § 394.25, Subdivision 8, as it may be amended from time to time, the code adopts by reference:

(1) Minnesota Pollution Control Agency Rules, Parts 7020.0100 through 7020.1900, Rules for the Control of Pollution from Animal Feedlots, as amended from time to time; and

(2) M.S. § 169.88, as it may be amended from time to time. (Financial liability of owner and/or operator of a vehicle that damages public roads).

(C) *Provisions for new feedlots.*

(1) Sites proposing to maintain ten or more animal units, or a manure storage area capable of holding the manure produced by ten or more animal units shall be defined as a feedlot and must meet the required feedlot setbacks.

(2) *Permit requirements.* A construction short form shall be required for all new feedlots over 50 animal units.

(a) A permit application shall be made available by the County Feedlot Officer.

(b) The following information shall be included for application:

1. Names of all principal owners and operators and the signature of at least one of the owners;

2. The legal name and business address of the facility, if different than the owner;

3. The location of the facility by county, township, section and quarter section;

4. Type of livestock and the maximum number of animal of each animal type that can be confined within each lot, building or area at the animal feedlot;

5. A list of all proposed manure storage areas, including plans and specifications for proposed liquid manure storage areas and for permanent stockpile sites;

6. The total number of animal units the facilities listed in subsections (C)(2)(b)4. and (C)(2)(b)5. above will be capable of holding after completing the construction;

7. The soil type or texture and depth to saturated soils at the facility as identified in the USDA Soil Survey Manual or site-specific soils investigation;

8. An aerial photograph showing the location of all wells, buildings, surface tile intakes, lakes, rivers and watercourses within 1,000 feet of the proposed facility;

9. The number of acres available for land application of manure;

10. If applying for a NPDES/SDS permit or interim permit, a manure management plan that meets the requirements under Minnesota Rules Part 7020.2225 subpart 4; and

11. If applying for an NPDES permit, a supplemental federal application form.

(c) In addition to the requirements of subsections (C)(2)(b)1. through (C)(2)(b)11. above, a permit application for an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more must contain:

1. An air emission plan that includes:

a. Methods and practices that will be used to minimize air emissions resulting from animal feedlot or manure storage area operations including manure storage area start-up practices, loading and manure removal;

b. Measures to be used to mitigate air emissions in the event of exceedance of the state ambient hydrogen sulfide standard; and

c. A complaint response protocol describing the procedures the owner will use to respond to complaints directed at the facility, including:

i. A list of each potential odor sources at the facility, and a determination of the odor sources most likely to generate significant amounts of odor; and

ii. A list of anticipated odor control strategies for addressing each of the significant odor sources.

2. An emergency response plan that includes a description of the procedure that will:

a. Contain, minimize and manage an unauthorized discharge;

b. Provide notification to the proper authorities; and

c. Mitigate any adverse effect of an unauthorized discharge.

(l) Construction of any new livestock building or addition to an existing livestock building must obtain a county zoning permit in addition to a feedlot permit.

(m) New feedlots of 50 animal units or more shall obtain a conditional use permit unless ~~recommendations~~ conditions of the County Feedlot Site Inspection Team are implemented pursuant to subsection (E) below ("The County Feedlot Site Inspection Team") of this article. All sites 3,000 animal units or larger, shall obtain these reviews: the County Feedlot Site Inspection Team inspection, ~~recommendation~~ conditions and a conditional use permit from the County Board. The Site Team ~~recommendation~~ conditions shall be forwarded to the Planning Commission and Board of Commissioners for review when considering a conditional use permit.

(3) *Notice of application*.

(a) *Public notice*. Minnesota Rules, Part 7020.2000, subpart 4 provides for notification of application procedures. When the County Feedlot Officer receives an application or a person applies to the MPCA or the for a permit to construct a feedlot resulting in a capacity of 500 animal units or more shall, not later than ten business days after the application is submitted, the county shall provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot. Notification under this subsection is satisfied under an equal or greater notification requirement of a county conditional use permit. The county shall also give notice in the same manner to every township where the feedlot(s) will be located. The county shall also give notice by first class mail to each municipality within 5,000 feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include the following:

1. The names of the owners or the legal name of the facility;

2. The location of the facility by county, township, section and quarter section;

3. Species of livestock and total animal units;

4. Type of confinement buildings, lots and areas at the animal feedlot; and

5. The types of manure storage.

(b) *Government notification of proposed construction*. An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in subparagraphs (C)(3)(b)1. and (C)(3)(b)2. below:

1. The County Feedlot Officer or the Commissioner at least 30 days prior to commencement of construction of a new feedlot or manure storage area;

2. All local zoning authorities, including county, township and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction.

(4) *Construction short-form issuance*. All construction short-forms expire within 24 months of the date of issuance. If the work for which a construction short-form permit was issued is not complete upon expiration of the permit, the expiration date of the permit may be extended by no more than 24 months if the owner complies with subparagraphs (C)(4)(a)and (C)(4)(b) below:

(a) The facility is currently eligible for the same permit;

(b) The owner notifies the Commissioner or County Feedlot Officer at least 90 days prior to the expiration of the permit. The notification shall include:

1. The name of the owner, and the name of the facility if different than the owner;

2. The permit number;

3. The reason the work may not be completed prior to the expiration of the permit; and

4. The estimated amount of time required to complete the work;

(c) If the animal feedlot under construction will be capable of holding 500 animal units or more or the manure storage area under construction will be capable of holding the manure produced by 500 animal units or more when completed shall be subject to the notification requirements as listed in subsection (C)(3) above ("notice of application"), the notification must include the date on which the original permit was issued and the new proposed completion date.

(d) The County Feedlot Officer shall issue the construction short-forms authorized by a delegation agreement between the State Pollution Control Agency and the county.

(e) In order for the county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the Commissioner for review. The Commissioner shall, after receipt of the justification for revocation by the county, review the matter within 60 days to determine compliance with the provisions of applicable Agency rules. The county must receive written approval of the permit revocation from the Agency prior to taking action. Where a revocation has been approved by the Agency, the applicant must be informed in writing by the county of the reasons for revocation and the applicant shall retain all rights of appeal set out in Minnesota Rules Chapter 7001. Revocation without re-issuance of the permit must follow the requirements under part 7001.0180.

(f) In the case of a denial of a permit application by the County Feedlot Officer, the applicant shall be informed by the county in writing of the reasons for denial and shall be informed of applicable appeal procedures. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the Agency to review the county's action. Such a denial by a county shall be without prejudice to the applicant's right to an appearance before the

(g) Agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial. The Agency shall approve, suspend, modify or reverse the denial of a permit if the matter has been appealed to the Agency.

(h) No circumvention. An owner who obtains a construction short-form is subject to enforcement action for construction or operation without a permit if the Commissioner or County Feedlot Officer later determines that the animal feedlot or a manure storage area does not qualify for the construction short-form that was issued and that the owner is required to apply for and obtain an SDS or NPDES permit.

(5) *Manure management plans for new feed lots*. New feedlots shall be required to submit a Manure Management Plan to the county demonstrating how the applicant proposes to mitigate all potential pollution problems.

(6) *Manure transported into the county*. Manure from out of county sources may be used as a domestic fertilizer in the county when applied at agronomic rates.

(7) *Environmental assessment worksheet*. Minnesota Rules Chapter 4410, state that a mandatory EAW is required for:

(a) Construction of a new feedlot having 1,000 animal units or more by State Animal Unit standards;

(b) Expansion of an existing feedlot by 1,000 animal units or more by State Animal Unit standards;

(c) Expansion of an existing feedlot by more than 500 animal units by State Animal Unit Standards in a sensitive area as defined in Minnesota Rules Chapter 4410; and/or

(d) A petition to request an EAW can be submitted to the EQB for a discretionary EAW for a feedlot that meets the minimum requirements of Minnesota Rules Part 4410.4600 Subpart 19 by interested parties obtaining 25 signatures for the request.

(8) *Manure storage structures and associated livestock feedlot setbacks*. Manure storage structures and associated livestock feedlot setbacks (see Table 6.4 following page).

(9) *Maximum animal units*. A maximum of 5,000 animal units may be allowed for all new feedlots.

(10) *Municipalities*. New animal feedlots are prohibited from locating 2,640 feet or less from an incorporated municipality. New animal feedlots located greater than 2,640 feet and less than or equal to 5,280 feet shall obtain the County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

Table 6.4 Manure Storage Structures and Associated Feedlot Setbacks	
Land Use or Feature	***Distance (feet)***
Airport (FAA approved)	2,640
An existing feedlot under separate ownership	500
A residence (other than feedlot owner/applicant)	1,000

Cemeteries[3]	500
Churches2	1,000
Golf courses, private or public4	1,000
Incorporated municipality5	2,640
Parks1	1,000
Property line* (side yards, rear yard)	80
Public roads (measured from centerline of road)	300
Shoreland: lakes (measured from OHWL)	1,000
Shoreland: river, stream, drainage ditch (public or private- measured from ordinary high water level)	
Well, private	As regulated by MN Dept. of Health
Well, public	As regulated by MN Dept. of Health
Wetlands: Type I-VIII	300

*If a proposed feedlot structure or feedlot building does not encroach upon yard setbacks, and retains more than a 125 foot front yard setback, such additions will be permitted provided it is a permitted use within the zoning district in which the property is located. A front yard setback of less than 125 feet requires a variance prior to construction.

New feedlots and new manure storage structures are prohibited within 1,000 feet of the OHWL of a lake or within 300 feet of the OHWL of a stream or river. New feedlots and new manure storage structures are also prohibited in floodplain, floodway, bluff impact zones and abandoned rock quarries.

[1]Parks subject to the above listed setback: from any park maintained or owned by an incorporated municipality and from the following four county parks: Courthouse Park, Gooselake Park, Ray Eustice Park and Blowers Park.

[2]CHURCH defined as a building used as a church, synagogue or place of worship with regular scheduled services.

[3]CEMETERY defined as follows: a cemetery governed by a cemetery association, local government or congregation of worshipers.

[4]Public and private golf course setback shall be measured from the nearest point of the feedlot to the nearest point of any maintained and established golf fairway or green at the time of feedlot permit application.

[5]Incorporated municipalities are the cities of Elysian, Janesville, New Richland, Waldorf and Waseca.
New feedlots shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000-foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All family-related feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.

(D) *Provisions for existing feedlots, including modification and expansion*. (The provisions of this subsection (D) apply to existing feedlots.)

(1) *Registration requirements*.

(a) *Sites required to register*. Sites with ten or more animal units, or a manure storage area capable of holding the manure produced by ten or more animal units shall be required to register with the County Feedlot Officer as a feedlot and meet required setbacks.

(b) *Initial registration schedule and requirements*. Owners required to register shall comply with at least one of the following ~~by January 1, 2002~~:

1. The owner shall submit a completed registration form supplied by the County Feedlot Officer;

2. The owner shall submit a completed permit application to the County Feedlot Officer ~~after October 23, 2000; or~~

~~3. The owner is listed on the Level II inventory conducted in the year 2000.~~

~~(c) *Registration requirements after January 1, 2002*. Owners of animal feedlots and manure storage areas who are required to register shall comply with paragraphs (D)(1)(c)1. and (D)(1)(c)2. below as applicable.~~

~~1. Owners of facilities not in operation prior to January 1, 2002, shall register with the County Feedlot Officer prior to commencement of operation. Owners shall comply with at least one of the following:~~

~~a. The owner shall submit a completed registration form supplied by the County Feedlot Officer; and/or~~

~~b. The owner shall submit a completed permit application to the County Feedlot Officer.~~

~~2.~~(c) Owners shall update their registrations at least once during the four-year registration window prior to the registration update deadline, as defined by the County Feedlot Officer. ~~which shall be established by adding four-year increments to the initial registration deadline of January 1, 2002. Owners shall register at least once during each of the four-year registration update intervals by meeting one of the following:~~

~~a. The owner shall complete paragraph (D)(1)(c)1. or (D)(1)(c)2. above ("Registration Requirements"); or~~

~~b. The owner shall be listed in a Level II or Level III county feedlot inventory that has been updated in the four-year period.~~

(d) *Other*. An existing feedlot proposing an expansion of 100 animal units or more or a change in operation as determined by the Feedlot Officer must obtain a conditional use permit. A conditional use permit would not be required if the County Feedlot Site Inspection Team ~~recommendations~~ conditions are implemented pursuant to subsection (E) below (The County Feedlot Site Inspection Team") of this article. All sites 3,000 animal units or larger shall obtain County Feedlot Site Inspection Team inspection and a conditional use permit.

(2) *Permit requirements*. Four types of permits are required under this ordinance, Minnesota Rules Chapters 7020 and 7001: interim permits, construction short form permits, SDS permits and NPDES permits. The owner shall apply for a permit as follows:

(a) An NPDES permit for the construction and operation of animal feedlot that meets the criteria for CAFO;

(b) Unless required to apply for a permit under paragraph (D)(2)(a) above, an SDS permit under the following conditions:

1. The construction and operation of animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units;

2. The facility does not comply with all applicable requirements of Minnesota Rules, Parts 7020.2000 to 7020.2225 and the pollution hazard cannot be or has not been, corrected under the conditions in Minnesota Rules Part 7020.0535 applicable to interim permits;

3. The owner is proposing to construct or operate a new technology. An SDS permit is required for new technology operational methods while these operational methods are employed; or

4. The facility is one for which conditions or requirements other than those in Minnesota Rules, Parts 7020.2000 to 7020.2225 were assumed:

a. As a mitigation measure in an environmental impact statement; or

b. In obtaining a negative declaration in an environmental assessment worksheet.

(c) Unless required to obtain a permit under paragraphs (D)(2)(a) and (D)(2)(b) above, an interim permit for:

1. Facilities identified as a pollution hazard; or

2. An animal feedlot or a manure storage area with a capacity of 50 or more animal units in a non-shoreland area or ten or more animal units in shoreland prior to applying manure or process wastewater:

a. On land where the soil phosphorus test levels exceed the levels:

i. Fields in special protection areas or within 300 feet of a tile intake that have an average soil phosphorus test level exceeding 75 PPM Bray or 60 PPM Olsen; and

ii. Fields outside the special protection areas and more than 300 feet from open tile intakes that have an average soil phosphorus test level exceeding 150-PPM Bray or 120-PPM Olsen.

b. On land in special protection areas with slopes exceeding 6%; or

c. In a drinking water supply management area where the aquifer is designated vulnerable under Minnesota Rules Chapter 4720.

(3) *Other permit provisions*. Unless required to obtain a permit under paragraphs (D)(2)(a) through (D)(2)(c) above, a construction short-form permit for an animal feedlot or manure storage area proposing to construct or expand to a capacity of 50 animal units or more in a non-shoreland area or ten or more animal units in a shoreland area; however, if a facility is determined to be a pollution hazard and the owner is proposing to expand to expand to a capacity of 50 animal units or more in a non-shoreland area or ten or more animal units in a shoreland area the owner shall apply for an interim permit under item (D)(2)(c). An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

(4) *Manure transported into the county*. Manure from out of county sources may be used as a domestic fertilizer in county if applied at agronomic rates.

(5) *Environmental assessment worksheet*. Minnesota Rules, Chapter 4410 state that a mandatory EAW is required for:

(a) Construction of a new animal feedlot having 1,000 animal units or more by State Animal Unit standards;

(b) Expansion of an existing feedlot by 1,000 animal units or more by State Animal Unit standards;

(c) Expansion of existing feedlot by more than 500 animal units, by State Animal Units standards, in a sensitive area as defined in Minnesota Rules, Chapter 4410; or

(d) A petition requesting and EAW can be submitted to the EQB for a discretionary EAW for a feedlot, that meets the minimum requirements of Minnesota Rules, Part 4410.4600 Subpart 19, by interested parties obtaining 25 signatures for the request.

(6) *Maximum animal units*. No feedlot shall have more than 5,000 animal units. An existing animal feedlot or manure storage area located within shoreland may not expand to a capacity of 1,000 animal units or more. An existing animal feedlot or manure storage structure in a shoreland shall not locate any portion of the expanded animal feedlot or manure storage structure area closer to the ordinary high water level than any existing portion of the animal feedlot or the manure storage area.

(7) *Municipalities*. Existing feedlots located within 5,280 feet of an incorporated municipality shall be considered a permitted use. For the purposes of this provision, an existing feedlot shall not be considered substandard if the only deficiency is the feedlots improper setback from the municipality. Any feedlot that is located within 2,600 feet which is abandoned or which is discontinued for a period of five years may not be resumed. An expansion of 200 animal units or less is allowed over the lifetime of a feedlot regardless of ownership change within 5,280 feet of an incorporated municipality. Expansion greater than 200 animal units is allowed within 5,280 feet of an incorporated municipality after written notice to the affected city government and upon obtaining a conditional use permit or complying with the provisions in subsection (E) below ("The County Feedlot Site Inspection Team").

(8) *Substandard use feedlots*.

(a) *Continuance*. A substandard feedlot may continue but additional livestock confinement buildings, pits, slurry stores, lagoon systems or earthen storage basins must comply with this ordinance.

(b) *Discontinued or abandoned*. Any feedlot which is abandoned or which is discontinued for a period of five years may not be resumed, and any future use or occupancy of the land shall conform to this ordinance.

(c) *Moving*. A building or structure moved to a different location on a single parcel of land shall be brought into conformance with this ordinance.

(d) *Damage or destruction*. When a substandard feedlot is destroyed by fire or other peril to the extent of 50% of its market value, as determined by the County Assessor, any subsequent use or occupancy of the land or premises shall conform to this ordinance.

(e) *Restoration and repair*. A substandard feedlot may be restored or repaired as follows:

1. To comply with state law and county ordinances;

2. If damaged to extent less than 50% of its market value as determined by the County Assessor; and

3. To effect repairs and necessary maintenance which are non-structural and incidental to the use or occupancy, provided such repairs dot no constitute more than 50% of its market value as determined by the County Assessor.

(9) *Notice of application*.

(a) *Public notice*. Minnesota Rules, Part 7020.2000, subpart 4 provides for notification of application procedures. A person who applies to the MPCA or the County Feedlot Officer for a permit to construct or expand a feedlot resulting in a capacity of 500 animal units or more shall, not later than ten business days after the application is submitted, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot.

1. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include the following:

a. The names of the owners or the legal name of the facility;

b. The location of the facility by county, township, section and quarter section;

c. Species of livestock and total animal units;

d. Type of confinement buildings, lots and areas the animal feedlots; and

e. The type of manure storage

2. Notification under this subsection (D)(9) is satisfied under an equal or greater notification requirement of a county conditional use permit. An applicant shall also give notice in the same manner to every township where the feedlot(s) will be located. An applicant shall also give notice by first class mail to every municipality within 5,000 feet of the perimeter of the proposed feedlot.

(b) *Government notification*. An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in paragraphs (D)(9)(b)1. and (D)(9)(b)2. below:

1. The County Feedlot Officer or the Commissioner at least 30 days prior to commencement of construction or expansion of an animal feedlot or manure storage area; and

2. All local zoning authorities, including county, town, and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction.

(10) *Construction short-form issuance*. The requirements and procedures for a construction short-form issuance shall be the same as described in subsection (C)(1) above ("Permit Requirements" and subsection (C)(3) above)("Construction Short Form Issuance").

(11) *Interim permit issuance*.

(a) The County Feedlot Officer may issue, deny, modify, impose conditions upon, or revoke interim permits for animal feedlots smaller than 1,000 animal units where animal manure is used as a domestic fertilizer and with a potential pollution hazard which will be mitigated by corrective or protective measures within 24 months of the date of the issuance of the interim permit.

(b) These permits shall be issued, denied, modified, have conditions imposed upon them, or revoked in conformance with the following requirements:

1. In order for the county to revoke an interim permit, a copy of the interim permit together with a written justification for revocation must be submitted to the Commissioner for review. The Commissioner shall, after receipt of the justification for revocation by the county, review the matter within 60 days to determine compliance with the provisions of applicable agency rules. The county must receive written approval of the interim permit revocation from the agency prior to taking action. Where a revocation has been approved by the agency, the applicant must be informed in writing by the County of the reasons for revocation and the applicant shall retain all rights of appeal set out in Minnesota Rules Part 7020.1700; and

2. In the case of a denial of an interim permit application by the county, the applicant shall be informed by the county in writing of the reasons for denial and shall be informed of applicable appeal procedures. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the agency to review the county's action. Such a denial by a county shall be without prejudice to the applicant's right to an appearance before the agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial. The agency shall approve, suspend, modify or reverse the denial of an interim permit if the matter has been appealed to the agency.

(12) *New residence*.

(a) New residences, when constructed on a parcel where no current residence exists, shall be set back at least 1,000 feet from an existing feedlot. A replacement residence (meaning the current residence shall be destroyed or permanently removed from the existing location) may reconstruct without variance if the replacement residence is set back greater than or equal to the current residence, pursuant to § 1.09.

(b) New feedlots, when constructed on a parcel where no current feedlot exists, shall be set back at least 1,000 feet from an existing residence. A replacement feedlot, meaning the current feedlot was destroyed by an act of God, may reconstruct without variance if the replacement feedlot is constructed on the existing foundation, at the same square footage, at the same animal type, and at the same or less animal units.

(c) The Board of Adjustment may grant a variance from these requirements in compliance with M.S. § 394.27, as it may be amended from time to time, and this ordinance.

(13) *Setbacks*. The minimum setback requirements for existing feedlots or existing manure storage structures shall be the same as described in Table 6.4 Manure Storage Structures and Associated Feedlot Setbacks.

(E) *The County Feedlot Site Inspection Team*.

(1) *Intent*. Feedlot site locations are one of the most important decisions facing feedlot owners, neighbors and local governments. New feedlots of 50 animal units or more and existing feedlots proposing an expansion of 100 animal units or more or a change in operation as determined by the Feedlot Officer shall require a site inspection prior to issuance of any feedlot permits. To assist in the early and careful consideration of sites, a team approach to site inspection and selection is a desirable way to provide a wide range of information to ensure that permit applicants will select a site that is both economically and environmentally suitable. The expertise of a site ~~selection~~ inspection team is intended for the benefit and convenience of permit applicants and for the early notification to neighbors. ~~Recommendations~~ Conditions of the County Feedlot Site inspection Team ("Feedlot Site inspection Team") are intended to save time and money during the permitting process and to enhance goodwill between neighbors by alerting applicants to possible concerns of neighboring residents and communities.

(2) *Feedlot site inspection team*. The Feedlot Site Inspection Team (site team) shall consist of the following individuals or a designee from their office or agency:

(a) County Feedlot Officer;

(b) County Commissioner of the affected District;

(c) County Engineer;

(d) County ~~Environmental Health Director~~Land and Water Resources Watershed Coordinator;

(e) County Land and Water Resources Director;

(f) ~~County~~ Waseca Soil Water Conservation District Manager; and

(~~f~~g) Township Officer of the affected Township.

(3) *Jurisdiction*. The jurisdiction of the feedlot site inspection team shall include all lands in the county, excepting those located within incorporated cities.

(4) *Duties*. The Feedlot Site Inspection Team shall be required to conduct a site inspection of any proposed new feedlot of 50 animal units or more. Site inspection shall be conducted for an existing feedlot proposing an expansion of 100 animal units or more or a change in operation as determined by the Feedlot Officer. The Feedlot Officer shall establish a meeting date and time for an onsite inspection with the feedlot owner/operator within 30 days of notification of the feedlot owner/operator's intent for any new construction or expansion when a site inspection is required. The County Feedlot Officer shall execute notification to the Feedlot Site Inspection Team.

(a) The Feedlot Officer shall, not later than ten days before the site inspection, provide notice by mail of the time and date of the site inspection to each property owner within one mile of the proposed feedlot.

(b) A minimum of four Feedlot Inspection Team members shall conduct the feedlot inspection.

1. The Feedlot Site Inspection Team shall provide to the owner/operator written ~~recommendations~~ conditions regarding setbacks, locational concerns, drainage concerns, potential pollution hazard concerns, or the need for vegetative screening or any other technical information deemed necessary. The Feedlot Officer shall in writing list all ~~recommendations~~ conditions of the Site Inspection Team on a document entitled "County Feedlot Site inspection Team ~~Recommendations~~Conditions". If during the process of a site inspection, a consensus cannot be obtained, amongst the site team members in attendance regarding the "site team ~~recommendation~~conditions" the applicant shall be required to apply for a conditional use permit.

The Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect. A copy of this document shall be given to the owner/operator for review. The Feedlot Site Inspection Team ~~Recommendations~~ Conditions shall be kept on file in the office of the County Feedlot Officer for public inspection and/or reproduction.

2. To obtain a construction short-form or interim permit from the county, the following procedures apply: The owner operator will have two options. The owner/operator may either implement all ~~recommendations~~ conditions of the Feedlot Site Inspection Team as a condition of receiving a construction short-form or choose not to implement the ~~recommendations~~conditions. Any owner/operator choosing not to comply with all ~~recommendations~~ conditions of the Feedlot Site Inspection Team shall only be granted a construction short-form after receiving a conditional use permit from the County Board and complying with all other provisions of this ordinance and all conditions set forth in the conditional use permit.

3. If the owner/operator agrees to follow the site team ~~recommendations~~conditions, rather than obtain a conditional use permit, the owner/operator shall sign the "County Feedlot Site Inspection Team ~~Recommendations~~Conditions" document, notarized by a notary public, acknowledging that the owner/operator understands the ~~recommendations~~ conditions and will abide by the ~~recommendations~~ conditions as a condition of being issued a construction short-form or an interim permit. Any construction short-form or interim Permit thereafter given to the owner/operator shall be conditioned upon compliance with all the ~~recommendations~~ conditions of the site team. Any failure to comply with the site team ~~recommendations~~ conditions shall be deemed a violation of this ordinance and the owner/operator shall be subject to any or all of the violation and enforcement procedures of § 7.04, Violations and Penalties and Article 7 of this ordinance.

4. Any construction short-form or interim permit issued with site team ~~recommendations~~ conditions shall be binding on any future owner/operator of the same feedlot. Any new construction short-form or interim permit issued to the same or different owner/operator shall contain the written ~~recommendations~~ conditions originally issued by the County Feedlot Site Inspection Team.

5. State permits: if the state issues a NPDES, SDS or interim permit, the following procedures shall be followed: The owner/operator shall either obtain a conditional use permit or agree to comply with the site team ~~recommendations~~conditions. Any zoning permit issued by county relating to the NPDES, SDS or interim permit shall be conditioned on future compliance with the site team ~~recommendations~~conditions. Failure by the owner/operator to comply with the ~~recommendations~~ conditions of the site team shall require the owner/operator to obtain a conditional use permit. Failure to obtain a conditional use permit shall be deemed a violation of this ordinance and the owner/operator shall be subject to any or all of the violation and enforcement procedures of subsection (J) below and Article 7 of this ordinance.

6. If a conditional use hearing is required, a copy of the written ~~recommendations~~ conditions of the Feedlot Site Inspection team shall be submitted for review by the Planning Commission and the Board of Commissioners. The Planning Commission shall hold at least one public hearing on each application for a conditional use permit prior to any final decision of the County Board. Conditional use permit procedures shall be followed as defined in this ordinance.

7. Following the closing of the public hearing and the formulation of the Planning Commission's recommendations, the County Feedlot Officer shall report the findings and recommendations of the Planning Commission to the County Board at its next regularly scheduled meeting. The County Board shall approve, deny or return to the Planning Commission the conditional use permit application.

(F) *Manure application*.

(1) *Sufficient land*.

(a) The feedlot permit holder shall own or have sufficient additional land under lease or contract to meet the manure utilization requirements for spreading of manure produced in the feedlot. The Feedlot Officer shall retain copies of all written spreading agreements. No more than one manure spreading agreement shall be allowed on a parcel of land. The agreement shall be valid for a period of not less than three years and recorded with the Feedlot Officer. The agreement shall include a brief description and a map of the spreading area.

(b) Manure sold under a sales contract for land application of manure may be substituted for the additional land requirement for the feedlot subject to such additional standards, as the state shall require. Manure sold under a sales contract shall be subject to the requirements of this ordinance including all land application, storage standards, setback requirements and application rates.

(c) Upon termination of a written manure spreading agreement or manure sold under sales contract, a feedlot owner/operator shall provide the Feedlot Officer with written proof that sufficient new land is owned or under lease or contract to meet the manure utilization requirement for spreading of manure produced in the feedlot.

(2) *Commercial manure applicators*. All persons who own and/or operate a manure applicator for hire shall abide by all land application procedures established by this ordinance and any other applicable statute or rule.

(3) *Avoid water pollution*. When applying manure to land:

(a) Manure shall not be applied in such a manner as to allow manure to enter waters of the state during the process of applying manure;

(b) Manure application into road ditches is prohibited; and

(c) Manure shall not be applied in such a manner that will cause pollution of waters of the state due to runoff of liquid manure or runoff of precipitation or snowmelt containing manure.

(4) *Manure nutrient testing requirements*. Manure must be tested by the owner/operator for nitrogen and phosphorus content from all manure storage structures and stockpiling sites holding manure generated from more than 100 animal units according to the following terms.

(a) The manure must initially be tested at a frequency adequate to define the approximate range in nutrient content associated with different climatic conditions, manure storage locations, livestock types and livestock feed.

(b) Manure must be tested during subsequent years following significant changes in climatic conditions, manure storage and handling, livestock types or livestock feed.

(c) Ongoing manure nutrient testing must continue at a frequency of no less than once every four years.

(d) The nutrient analysis must be conducted using MPCA approved methods.

(5) *Nitrogen application-rate standards*. Manure application rates must be limited at all locations where manure is applied so that the estimated plant available nitrogen from all nitrogen sources does not exceed expected crop nitrogen uptake.

(a) Expected crop nitrogen uptake rates shall be based on rate tables provided by the Commissioner.

(b) Plant available nitrogen estimates may deviate up to 20% from MPCA estimates where warranted by site-specific conditions. Deviations by more that 20% of MPCA estimates of this section will require approval by the MPCA Commissioner or County Feedlot Officer.

(c) Nitrogen sources include commercial fertilizer nitrogen, soil organic matter nitrogen, irrigation water nitrogen, legumes grown during previous years and current and previous years manure applied during the current year and previous years.

(6) *Phosphorus application-rate standards*. The amount of phosphorus applied as a result of the land application of manure shall be limited to the following conditions.

(a) When surface applying manure without incorporating within 48 hours, the manure application rate must be limited so that the estimated plant available phosphorus provided by manure does not exceed five times the expected crop phosphorus uptake for any one-year period, unless otherwise authorized by the Commissioner or delegated County Feedlot Officer. Expected crop phosphorus uptake rates and plant available phosphorus from manure are to be based on tables provided by the Commissioner.

(b) Manure applied to land in special protection areas shall comply with the phosphorus requirement as described in subsection (F)(9) below entitled “Application requirements for land within special protection areas”.

(7) *Manure Management Plan requirements*.

(a) A Manure Management Plan shall be included as part of the permit application whenever an owner or operator of a feedlot applies to the Commissioner or County Feedlot Officer for a construction short-form or an interim permit, or an NPDES/SDS permit for an operation with 100 or more animal units (AU), or when manure from a feedlot capable of holding 300 or more AU is applied for after January 1, 2006 by someone other than a certified animal waste technician.

(b) The Manure Management Plan must be reviewed by the feedlot owner or operator each year and adjusted for any changes in the amount of manure production, manure nutrient test results, crop rotations or other practices which affect the available nutrient amounts or crop nutrient needs on fields receiving manure.

(c) The Manure Management Plan shall be on file at the feedlot facility and made available to MPCA staff or County Feedlot Officer on request unless required to be submitted as part of the permit application.

(d) The Manure Management Plan shall contain:

1. A description of the manure storage/handling system;
2. Application methods and equipment and expected nitrogen losses during application;
3. Field locations and acreage available for applying manure;
4. Manure nutrient testing methods;
5. Planned manure application rates and assumptions used to determine these rates;
6. Total manure nitrogen and phosphorus rates to be applied on each field and for each crop in the rotation;

7. Expected first-, second- and third-year plant available nutrients from manure;

8. Expected months of application;

9. A description of protective measures to minimize the risk of off-field manure transport when applying manure on floodplains or soil within 300 feet of:

a. Lakes;

b. Streams including intermittent streams;

c. Uncultivated wetlands;

d. Surface tile intakes;

e. Sinkholes without constructed diversions;

f. Drainage ditches; and

g. Protective measures may be associated with, but are not limited to, soil and water conservation measures, timing of application, methods of application, manure rates and frequency of application.

10. For application onto frozen or snow covered soil the plan shall include the following information about the fields which may receive the manure:

a. Field location;

b. Soil slopes;

c. Proximity of fields to surface waters;

d. Proximity of fields to channels leading to surface waters;

e. Expected months of application for each field; and

f. Tillage and other conservation measures used to minimize risk of off-field manure transport.

11. When ownership of manure is to be transferred for application to fields not owned or leased by the producer, the facility, which produced the manure, shall include in a Manure Management Plan:

a. The expected volume or weight of manure to be produced annually; and

b. The manure nutrient content.

12. A description of how phosphorus from manure is to be managed to minimize continued increase of soil phosphorus levels when soil test P values are 21-PPM Bray P1 or 16-PPM Olsen;

13. A description of how phosphorus from manure is to be managed to minimize phosphorus transport to surface waters resulting from soil phosphorus buildup to levels in special protection areas: 75-PPM Bray P1 or 60-PPM Olsen; or in fields outside special protection areas: 150-PPM Bray P1 or 120-PPM Olsen;

14. Plans for soil nitrate testing in accordance with University of Minnesota Extension Service recommendations; and

15. Type of cover crop to be planted when manure is to be applied in June, July or August to fields that have been harvested and would otherwise not have active growing crops for the remainder of the growing season.

(8) *Record-keeping*.

(a) Records of manure application shall be kept on file by the manager of the cropland where the manure is applied:

1. For the most recent six years for manure application within 300 feet of lakes, streams, intermittent streams, public waters, wetlands and drainage ditches with side inlets or no berms; and

2. For the most recent three years on land not defined by the terms of subsection (F)(8)(a)1. above.

(b) Records shall contain the following information:

1. Field locations and actual acreage where manure is applied;

2. Volume or weight of manure applied on each field;

3. Manure test nitrogen and phosphorus content, as required under subsection (F)(4) above ("manure nutrient testing requirements");

4. Dates of application;

5. Dates of incorporation when incorporating within ten days;

6. Expected plant available amounts of nitrogen and phosphorus released from manure, legumes and commercial fertilizers on each field which manure is applied;

7. A description of deviations from the manure management plan and reasons for the changes; and

8. Soil nutrient test results.

(c) Where manure is transferred for application to fields not owned or leased by the facility, which produced the manure, the facility, which produced the manure, shall meet the following requirements:

1. The manure records for the most recent three years shall be kept on file;

2. The manure records shall contain the following information:

a. The volumes or weight of manure delivered;

b. The nutrient content of the manure delivered; and

c. The name and address of the buyer of the manure.

3. A written copy of MPCA manure application requirements and the information listed in subsection (F)(8)(c)2. above shall be given by the provider of the manure to the purchaser or receiver of the manure.

(d) The manager of the cropland, which has received transferred manure, shall keep records of the information listed in subsection (F)(8)(b) above.

(9) *Application requirements for land within special protection areas*.

(a) Manure may not be applied to frozen or snow-covered land within 300 feet of all lakes, streams, public waters wetlands, drainage ditches and intermittent streams except where conditions as described in paragraph (F)(9)(c) below apply.

(b) Manure applied to unfrozen soils within 300 feet from a lake, stream, public waters, wetlands, intermittent stream, or drainage ditch with side inlets or no berm, shall meet either the terms of paragraph (F)(9)(b)1. or the terms of (F)(9)(b)2. listed below except where conditions as described in paragraph (F)(9)(c) below apply.

1. Maintain a non-manured buffer that:

a. Is not pastured;

b. Is permanently-grassed; and

c. Is a minimum of 100 feet wide along lakes and perennial streams and 50 feet wide along intermittent streams, public waters, wetlands and drainage ditches with side inlets or no berms.

2. Comply with all of the following practices:

a. Manure shall not be applied within at least 25 feet of the water body or channel;

b. Manure shall be injected or incorporated within 24 hours of being land applied and prior to rainfall; and

c. Manure shall be applied at a rate which will not allow soil phosphorus levels to increase over any six-year period, unless soil testing indicates that soil phosphorus levels are below crop phosphorus needs.

(c) The terms and conditions described in subsections (F)(9)(a) and (F)(9)(b) above shall not apply:

1. In areas where the land slopes away from the water or channel; or

2. Where a drainage ditch does not have side inlets and has earthen berms that prevent runoff from the field into the ditch.

(10) *Aerial irrigation*. Manure applied by a traveling gun, center pivot or other irrigation equipment that allows liquid application of manure is prohibited within the county unless approved by the County Feedlot Officer in emergency situations.

(11) *Application near sinkholes, mines, quarries and wells*. Manure must not be applied to land within 50 feet of an active or inactive water supply well, sinkhole, mine or quarry, or other direct conduits to groundwater. Manure must be immediately incorporated within 24 hours when applied to land that slopes towards a sinkhole and is less than 300 feet from the sinkhole, unless otherwise authorized by the Commissioner; however, as an exception, no setbacks or immediate incorporation are necessary where diversions prevent surface runoff from entering the sinkhole.

(12) *Table 6.5 Required Setbacks for Land Application of Manure*.

Table 6.5 Required Setbacks for Land Application of Manure		
Location	***Surface Applied***	***Incorporation or Injection***
100-year floodplain	Prohibited	Allowed

Cemeteries	300 feet	200 feet
Field tile intake	300 feet	See *[1]
Municipal well	1,000 feet	1,000 feet
Municipality	500 feet	200 feet
Private well	200 feet	200 feet
Residence, neighboring residence	300 feet	200 feet
Road right-of-way	Prohibited	Prohibited
Source: State Pollution Control Agency		
*1Additional application requirements for land within 300 feet of open tile intakes. Manure must be injected or incorporated within 24 hours of being land applied and prior to rainfall when applied within 300 feet of open tile intakes, unless other MPCA approved water quality protection management practices are implemented in this 300 feet zone.		

(13) *Residences*. Manure may be applied closer to a residence, cemetery or municipality than prescribed by this ordinance if permission is granted by the resident or applicable governing body in the form of a written agreement filed with the County Feedlot Officer. Agreements shall not bind subsequent residents. When determining the distance between a residence and manure application, the distance shall be measured from the residence, not property lines, to manure application.

(14) *Treatment or disposal*. Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state and county rules.

(G) *Manure transportation and storage*.

(1) *Compliance with state and local standards*. All animal manure shall be stored and transported in conformance with Minnesota Rules, Chapter 7020 and this ordinance. Manure compost sites shall comply with Minnesota Rules, 7020.2150 for operational, record keeping and reporting requirements.

(2) *Potential pollution hazard prohibited*. No manure storage area shall be constructed, located or operated so as to create or maintain a potential pollution hazard unless a NPDES, SDS or an interim permit has been issued by the MPCA or County Feedlot Officer setting out the requirements for mitigating or abating the potential pollution hazard.

(3) *Vehicles, spreader*. All vehicles used to transport animal manure on township, county, state and interstate highways or through municipalities shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof. This shall not apply to animal manure being hauled to fields adjacent to feedlots or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

(4) *Utilization as domestic fertilizer*. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than 18 months.

(5) *Stacking of manure on site.*

(a) *General requirements.*

1. Solid manure that is stacked for more than one year shall be stored on a concrete containment pad designed with a Water Containment and Diversion Plan approved by the Feedlot Officer as addressed in the site plan. Manure shall be stored or stockpiled in a location where natural forces of nature do not cause it, or leachate from it, to enter waters of the state.

2. Manure must not be placed on a stockpiling site unless a three-to-one horizontal-to-vertical ratio can be maintained or the manure has at least, a 15% solids content.

3. The use of rock quarries, gravel or sand pits, bedrock and mining excavation sites for stockpiling manure is prohibited.

4. The size of a short-term stockpile must not exceed a volume based on agronomic needs of the crops on 320 acres of fields and must not exceed the agronomic needs of the crops on the tract of land on which the stockpile is to be applied.

(b) *Short-term stockpile sites requirements.*

1. The manure must be removed from the site and land applied within one year of the date when the stockpile was initially established.

2. A vegetative cover must be established on the site for at least one full growing season prior to reuse as a short-term site, except for the following:

a. Sites located within the confines of a hoofed-animal open lot at a facility having the capacity to hold less than 100 animal units; and

b. Sites where manure is stockpiled for fewer than ten consecutive days and no more than six times per calendar year.

3. Location restrictions:

a. Pile must be placed at least 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, open tile intakes and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages.

b. Pile must be placed at least 300 feet of flow distance from any road ditch that flows to the features identified in (a) or 50 feet from any road ditch where item (a) does not apply.

c. Pile must be placed at least 100 feet from any private water supply or unused and unsealed well and located 200 feet from any private well with less than 50 feet of watertight casing and that is not cased through a confining layer at least ten (10) feet thick;

d. Pile must be at least 100 feet from field drain tile that is three feet or less from the soil surface.

e. Pile must have a two-foot separation to seasonal high water table.

f. Pile must be at least 300 feet from a residence.

4. Short-term stockpiles are prohibited:

a. On land with a greater than 6% slope;

b. On land with slopes between 2% and 6%, except where clean water diversions and erosion control practices are installed; and/or

c. On soils where the soil texture to a depth of five feet is coarser than a sandy loam as identified in the most recent USDA/NRCS soil survey manual.

5. Record-keeping: records shall be kept, by the feedlot owner/operator for a minimum of three years that contains the following information:

a. Location of pile;

b. Date pile was established;

c. Volume of manure stockpiled;

d. Nutrient analysis of the manure; and

e. When the stockpiled manure was land applied.

(c) *Permanent stockpile sites*. The animal feedlot owner/operator of a site containing a permanent stockpile site shall comply with Minnesota Rules, Part 7020.2125 subpart 4.

(6) *Run-off control structures*. All outside manure storage areas shall have run-off control structures to contain manure.

(7) *Storage design approval*.

(a) All plans for manure storage structures shall be reviewed and approved by the County Feedlot Officer.

(b) A copy of the manure storage structure design, signed by a registered engineer, shall be submitted to the County Feedlot Officer for review and approval. Plans for manure storage structures may also be reviewed by the SWCD, NRCS and/or MPCA.

(c) Construction of new open earthen or concrete manure slurry basin for swine manure is prohibited. Existing open-air basins for swine manure may be repaired or replaced. Open-air basins originally built for dairy manure shall not be used for swine manure. An initial perimeter tile water sample shall be taken from all new below ground manure storage areas by the owner/operator, at his or her expense. A lab appropriately certified to perform water analysis shall analyze the sample.

(d) The following tests shall be performed.

1. Total kjedahl nitrogen;

2. Nitrate nitrogen;

3. Nitrite nitrogen;

4. Chloride;

5. Sulfate;

6. Fecal coliform;

7. pH;

8. Temperature; and

9. Specific conductivity.

(e) Results of analysis shall be submitted to the County Feedlot Officer.

(f) All new manure storage structures shall have a minimum storage capacity of nine months.

(g) A perimeter fence shall be installed around any open earthen or concrete manure slurry basin.

1. Fencing shall be a minimum of five feet high and be impenetrable by children. Examples of such fencing would include, but not be limited to, cyclone fencing, slatted fencing with less than six-inch openings or solid fencing.

2. Fence shall be posted with signs every 100 feet stating danger.

(8) *Concrete pit requirements*. Liquid manure storage areas shall comply with Minnesota Rules, Part 7020.2100. Concrete storage over 20,000 gallons require a licensed engineered designed plan that meet or exceed the minimum requirements. Proposed concrete pits under 20,000 gallons of manure storage must document that the design meets or exceeds the requirements of the Agency.

(9) *Steel tanks*. Unlined steel tanks for underground manure storage shall be prohibited.

(10) *Odor control plan*. Odor control plans may be required as a condition of a construction short-form if the Feedlot Site Inspection Team determines that odor control technology is available and feasible.

(11) *Manure composting*. An owner/operator composting manure site shall comply with Minnesota Rules, Part 7020.2150.

(12) *Poultry barn floors*. An owner/operator proposing to build a poultry barn shall comply with Minnesota Rules, Part 7020.2120 for requirements of the barn floor.

(H) *General*.

(1) *Closure plan*. The landowner, owner and operator of any feedlot shall be responsible for the ongoing management of manure and the final closure of the feedlot within one year of ceasing operation. The closure shall include the following:

(a) Cleaning of the buildings and the emptying and proper disposal of manure from all manure storage structures;

(b) As soon as practicable after completing the requirements herein, the landowner, owner and operator of any feedlot shall reduce soil nitrogen by planting, growing and maintaining alfalfa, grasses or other perennial forage for at least five years;

(c) Within 60 days after final closure, submit a certified letter to the County Feedlot Officer stating that the animal feedlot or the manure storage area has been closed according to the requirements in this part. The letter must identify the location of the animal feedlot or manure storage area by county, township, section and quarter section; and

(d) The County Feedlot Officer shall conduct an onsite inspection of the feedlot to assure the closure was properly completed.

(2) *Disposal of animal carcasses*.

(a) *General*. All animal feedlot owner/operators shall submit a mortality plan on a form provided by the County Feedlot Officer. At no time shall feedlot-animal mortality be visible to the public from any public area or neighboring residence, except during a catastrophic death and notice has been given to the County Feedlot Officer and the State Board of Animal Health within 24 hours of occurrence. Board of Animal Health rules and recommendations shall prevail to this ordinance during catastrophic death loss events or unique situations where normal processing of livestock is not feasible and as new disposal techniques are adapted.

(b) *Dead animal containment (rendering pick-up structure).* Rendering pick-up structures shall meet the following minimum standards.

1. At all times structure shall be animal proof to prevent scavenging.

~~2. Sides shall be made of a solid material, with no more than one-quarter inch spacing between material.~~

~~3.~~ 2. Structure shall contain a roof made out of solid material. ~~allowing no more than one-quarter inch spacing.~~ A rendering pick-up structure shall be exempt from having a roof if sidewalls are a minimum of six feet high.

~~4. Floor shall be made of a low permeability material.~~

~~5~~3. Structure shall be located out of the road right-of-way.

~~6~~4. Structure setback from streams, river, drainage ditch and lakes shall be a minimum of 300 feet.

(c) *Burial of animal mortality*. Written approval for burial of animal mortality may be required from the County Feedlot Officer.. ~~Burial of animal mortality is prohibited unless the County Feedlot Officer has given written approval of the site.~~ Minimum burial requirements shall be met or exceeded.

1. Carcass must be buried at least three feet deep;
2. Carcass must be five feet above seasonal high water table;
3. Maximum of 2,000 pounds of carcass/burial pit/acre;
4. Prohibited in areas subject to surface water flooding; and
5. Must entirely cover each day's deposit with a layer of dirt.

(d) *Burning of animal mortality*. Burning of animal mortality is allowed only in MPCA approved incinerators.

(e) *Composting of animal mortality*. Composting of animal mortality shall comply with Minnesota Rules, Part 1721.0740~~.~~ as follows:

1. Carcasses must be covered with litter at all times. The ratio of carbon to nitrogen in each compost pile must be between 15:1 and 35:1. Each pile must be turned completely at least once every 21 days to add essential oxygen to the composting material. The composting material must be kept moist to ensure proper bacterial growth. The compost pile temperature must reach a minimum of 130 degrees Fahrenheit during each of two heating cycles during the composting process. Flies, rodents, and other vermin must be controlled around composting sites. The finished product resulting from the composting of animal carcasses must not contain visible pieces of soft tissue

~~1~~2. Composting ~~facility~~ structure must:

a. Be built on an impervious~~, weight-bearing~~ pad ~~that is large enough to allow equipment to maneuver~~;

b. Be covered with a roof to prevent excessive moisture on the composting material or if sawdust or other water-repelling material is used as bulking agent, a roof may not be required;

c. Be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment;

d. Be large enough to handle each day's normal mortality through the endpoint of the composting that consists of a minimum of two heat cycles; and

e. The composting structure shall have the following setbacks:

i. Residences (other than owner/operators): 300 feet;

ii. Public road (from the centerline): 125 feet;

iii. Rear and side yard: 40 feet; and

iv. Existing feedlot under separate ownership: 300 feet.

~~2. Compost process:~~

~~a. Mortality must be processed daily;~~

~~b. A base litter is required. A carbon to nitrogen ratio of 15:1 to 35:1 must be maintained;~~

~~c. The carcasses must be kept six inches from the edge and sealed with litter each day;~~

~~d. The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130ºF for seven consecutive days. A minimum of two heat cycles shall be required;~~

~~e. The owner/operator shall have a written protocol for the operation containing at least the minimum steps of subsections (H)(2)(e)2.a. through (H)(2)(e)2.d. above. The owner/operator shall instruct and be responsible for all employees to follow the protocol;~~

~~f. Flies, rodents and vermin must be controlled so as not to be a health hazard to human or animal populations;~~

~~g. Carcasses and discarded animal parts may only be transported over public roads only in vehicles or containers that are leak proof and covered; and~~

~~h. Finished product must not contain visible pieces of soft tissue and must be land applied at agronomic rates.~~

(3) *Silage stacks*. Silage stacks sites must be located and constructed such that silage leachate runoff from the site does not discharge to waters of the state. Silage stacks, which are an accessory use of a feedlot, shall be setback 80 feet from rear and side yard boundaries and shall have a front yard setback of 125 feet from the centerline of all road(s). Silage stacks, which are not an accessory use, shall be required to obtain a conditional use permit. (Silage stacks include, but are not limited to, silage bunkers, silage pads and silage bags.)

(I) *Administration and enforcement*.

(1) *Feedlot Officer*. The County Board shall appoint a County Feedlot Officer to administer and discharge the duties of this feedlot ordinance.

(2) *Duties and powers*. The County Feedlot Officer shall have the following duties and powers:

(a) Administer and enforce the County Feedlot Ordinance;

(b) Review permits as set forth in this ordinance;

(c) Assist feedlot owners/operators with the county permitting process including applications for a NPDES, SDS, construction short-form and interim permits;

(d) Process applications to ensure compliance with county and state regulations;

(e) Issue interim permits or construction short-forms;

(f) When appropriate, forward applications for permits along with recommendations, to the MPCA;

(g) Maintain records including all construction short-form, interim permits and land application of manure agreements;

(h) Provide and maintain a public information bureau relative to this ordinance;

(i) Educate the public and feedlot owner/operators concerning provisions of this ordinance;

(j) Inspect feedlot operations to ensure compliance with the standards of this ordinance;

(k) Receive and review application requests for action by the Board of Adjustment and/or the County Planning Commission and provide such information as necessary for action to be taken;

(l) Revoke or suspend an interim permit after a hearing before the Feedlot Officer;

(m) Maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption, including the days the exemption was claimed and the cumulative days used;

(n) Submit an annual report to the Commissioner by April 1 of each year, in a format requested by the Commissioner;

(o) Complete the required County Feedlot Officer training necessary to perform the duties described under this part;

(p) Review and process complaints; and

(q) Locate and register all animal feedlots that remain unregistered.

(3) *Complaint or emergency inspection*. In addition to the enforcement inspections, the County Feedlot Officer shall have the right to undertake inspections upon notice, at a reasonable time based upon a signed written complaint, or the reasonable belief of the existence of a material violation of this ordinance.

(4) *Interference prohibited*. No person shall hinder or otherwise interfere with the County Feedlot Officer in the performance of duties and responsibilities required pursuant to this ordinance.

(5) *Access to premises*. Upon request of the County Feedlot Officer, the applicant, permittee, owner/operator or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this ordinance. Failure to provide reasonable access to the County Feedlot Officer constitutes grounds for revocation of registration, construction short-form or an interim permit.

(6) *Fees*. Application, permit or review and compliance inspection fees, and such other fees required by this ordinance shall be set by resolution of the County Board.

(7) *Bio-security*. The County Feedlot Officer may not enter a facility where confined farm animals are kept unless the officer follows a procedure and directive for bio-security measures that are identified by the Commissioner of the Department of Natural Resources and the Board of Animal Health. This subsection (I)(7) does not apply to emergency or exigent circumstances.

(8) *Written complaints*. The County Feedlot Officer will evaluate written or oral complaints made to the County Feedlot Officer, whether the complaining person is identified or anonymous, on a case-by-case basis.

(9) *Variances*.

(a) The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of this ordinance, including restrictions based on substandard feedlots or nonconformities.

(b) An expansion of an existing feedlot, which does not meet setback requirements as determined by this ordinance, is not permitted unless a setback variance is granted.

(J) *Violations and enforcement*.

(1) *Violations*. 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 provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

(2) *Abandonment*. Owners and operators of feedlots shall have joint and severable liability for clean up, closure or emptying of abandoned feedlots.

(3) *Construction stop work orders*. Whenever any work is being done contrary to the provisions of this ordinance, the County Feedlot Officer may order the work stopped by written notice personally served upon the owner/operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the County Feedlot Officer.

(4) *Suspension and revocation*. Any person who fails to comply with the conditions set forth on the interim permit or construction short-form permit may be subject to suspension or revocation upon written notice personally served, or mailed a written notice to the last known address by first-class mail as documented upon the permit or registration, upon the owner/operator of the feedlot by the County Feedlot Officer or the MPCA. A feedlot permit may be suspended or revoked by the County Feedlot Officer. A hearing shall be held before the Feedlot Officer when considering a suspension or revocation. Within 60 days of suspension, the operator shall submit a plan to mitigate any problems identified by the County Feedlot Officer or the feedlot permit shall be revoked. After revocation, the operator may submit a new application for a feedlot permit and shall include a plan to mitigate any problems identified by the County Feedlot Officer. Revocation is issued by the County Feedlot Officer. Any suspension or revocation decisions made by the County Feedlot Officer may be appealed to the Agency.

(5) *Injunctive relief and other remedies*. In the event of a violation of this ordinance, the county may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the county in a civil action in any court of competent jurisdiction or, at the discretion of the county, the costs may be certified to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installee or other responsible person either in addition to or separate from other enforcement actions.

(6) *Costs of enforcement*. In the event that the County Feedlot Officer is required to take action to abate a violation of this ordinance or undertake regular monitoring of a regulated feedlot to ensure compliance with the requirements of this ordinance the costs of the abatement action and/or monitoring may be certified to the County Auditor as a special tax against the real property.

(Ord. 97, passed 7-21-2009; Ord. 105, passed 8-2-2011; Ord. 147, passed 8-3-2021)

§ 6.07 SPECIFIC STANDARDS FOR AGRICULTURAL, NATURAL RESOURCES AND RELATED USES.

(A) *Agricultural chemicals, seed and fertilizer sales, agriculturally-oriented business, grain elevator, grain storage and drying (commercial), livestock sales barn*. Within the A-1 District, these uses shall require a conditional use permit and site plan approval. The following standards shall apply.

(1) Site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.

(2) Outdoor storage areas shall be screened from adjacent residences as specified under landscaping requirements found in § 6.15.

(3) Custom meat processing: all custom meat processing activities, including animal slaughter, shall take place within a completely enclosed building with adequate soundproofing and odor control and will meet all federal and state requirements for humane slaughter and meat inspection.

(B) *Ethanol or biofuel production, commercial*. Within the A-1 District, commercial ethanol or biofuel production shall require a conditional use permit and site plan approval. The following standards shall apply.

(1) *Site plan*. Site plan review shall be required.

(2) *Access*. The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study may be required.

(3) *A noise and odor management plan may be required*. Noise and odor levels from the facility shall be in compliance with applicable State Environmental Quality Board regulations in effect at the time the permit application is submitted. The applicant shall appropriately demonstrate compliance with the above noise and odor requirements as part of the conditional use permit approval process.

(4) *Setback*. Any buildings or structures on the site shall be located at least 500 feet from any residential property boundary.

(C) *Agritourism*. Activities offered on a seasonal, occasional, regular or year-round basis to the general public, invited groups or visitors on a farm or parcel of at least five acres of land. Activities must be related to agriculture or tourism and accessory to the agricultural or community use, and may include, harvest festivals, barn dances, museums, weddings, wedding receptions, event center/indoor recreation facilities, haunted houses, art and craft fairs, corn mazes, pizza farms, farm dinners, haunted hay rides, sleigh rides, farm tours or similar uses. Agritourism may not include activities that include the discharge of firearms, competitions among motorized vehicles or other events that the county determines to be incompatible with the community's character or intent of the Unified Development Code.

(1) *Minimum acreage and location*. At least five acres in size and be located at least 500 feet from a residence or residentially platted parcel.

(2) *Access and roadways*. The site must be accessed via a road of sufficient capacity to handle the anticipated traffic. If an agritourism use is accessed from a county-maintained highway, the County Engineer may recommend conditions to address ingress, egress, signage, and sight-distance concerns. A traffic study may be required.

(3) *Site plan and parking*. Site plan approval shall be required; site plans shall indicate designated parking areas and signage, where present. Off-street parking shall be constructed of an all- weather surface. Signage requirements shall be as determined in the conditional use permit.

(4) *Hours of operation*. Hours of operation shall be 7:00 a.m. to 10:00 p.m. for all uses except wedding receptions which may extend to 12:00 a.m., provided there is at least 1,000 feet between the wedding reception hall and the closest off-site residence. Music may be played or performed until 9:00 p.m. for uses with an off-site residence within 1,000 feet of the agritourism structure or use. Music may be played until 12:00 a.m. for wedding receptions, provided there is at least 1,000 feet to the closest off-site residence.

(5) *Water and sewer systems*. Adequate water service and on-site or portable sewage treatment facilities.

(6) *Other retail*. May use up to 50% of the interior floor area of the structures designated for agritourism use to sell non-agricultural products.

(7) *Food service*. Any on-site preparation and handling of food or beverages must comply with all applicable federal, state and local standards. ~~A restaurant, bar, or other defined commercial food preparation activities are not allowed.~~ Alcohol may be served with a consumption-and-display permit, a temporary one-day consumption-and-display permit or a caterer's permit. A structure used for agritourism may include a kitchen for the following purposes:

(a) Proper assembly, service and storage of food catered from another location;

(b) To produce value-added food products from farm products, such as jams, jellies, pickles, pizza, fermented foods, milk products, pies, jerky or similar products; and

(c) To prepare limited items associated with typical events permitted on the property, such as pies, ice cream, sandwiches, salads, snacks and pizza.

(8) *Signage*. Signage shall comply with the "Signage Permitted with Businesses" as provided in Article 4.

(9) *Farm stays*. Any overnight stays by guests shall only be permitted in connection with an approved campground, retreat house, retreat center or bed and breakfast facility as such facilities are allowed or permitted in Article 6 of this code.

(10) *Occupancy load*. Any agritourism facility with an occupant load of 25 people or more, including employees, must provide a certificate from a licensed Minnesota architect or licensed Minnesota building official indicating:

(a) The uses permitted within the facility;

(b) The maximum number of people that may attend any event by use;

(c) That the facility meets the requirements of the Minnesota Building Code and Minnesota Fire Code; and

(d) The permitted occupancy load of any agritourism facility must be listed by use within the conditional use permit and posted and clearly visible in the entry areas of the facility.

(11) *Agritourism in the SO Shoreland Overlay District*. No agritourism use shall occur within principal setback from the Ordinary High Water Level (OHWL) of any protected water basin (lake) or any protected watercourse (stream or river) listed in § 5.01 of this code.

(12) *Special events permit required*. Special events must obtain a special event permit, as specified in § 3.09.

(D) *Feedlots*. Within the UE and VMX districts, existing feedlots may continue as conforming uses, but any expansion of an existing feedlot shall require a conditional use permit. No new feedlots or

expansion or improvement of existing feedlots is allowed in the LR district or in the area extending 1,000 feet from the LR District.

(E) *Nursery, tree farm*. Within the A-1 District, a nursery or tree farm that includes retail sales to the general public shall require a conditional use permit and site plan approval. Site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.

(F) *Natural resource manufacturing and processing*.

(1) *Site plan required*. Site plan approval shall be required; site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.

(2) *Outdoor storage*. Outdoor storage areas shall be screened from adjacent residential or agricultural districts as specified under the landscaping requirements found in § 6.15.

(G) *Agricultural direct-market business*. A seasonal or year-round agricultural business operated on a parcel of at least five acres selling farm-raised products, including animal products such as meat, fish and eggs, produce, bedding plants, plant or wood materials, or any derivative thereof, such as jams, jellies, wool products, maple syrup and similar products. Products are sold directly to consumers without an intermediate wholesaler or distributor. This use may include, but is not limited to, pick-your-own operations, roadside stands, farm fishing and similar businesses.

(1) Maximum size of structures used in connection with an agriculture direct-market business shall not exceed a combined total floor area of 800 square feet.

(2) Sale of goods produced off-site within the A-1 Agricultural District: no more than 25% of the square footage of the farm stand may be used to stock products raised, grown, produced, or made off the farm on which the farm stand is located. The use of more than 25% of the square footage of a farm stand within the Agricultural District to stock products raised, grown, produced, or made off the farm on which the farm stand is located may be done only with a conditional use permit.

(3) Parking: off-street parking shall be provided outside the road right-of-way.

(4) Setbacks: farm stand structures and parking areas shall be located at least ten (10) feet from any road right-of-way, and at least 50 feet from adjoining properties.

(5) The majority of the product sold on the property shall be grown or raised on the property.

(6) An agricultural direct-market business may use up to 100 square feet of retail space of the business to sell non-agricultural products. Non-agricultural products may only be sold during periods that agricultural products are also sold.

(7) No sale of product shall take place on any state, county or township road or right-of-way.

(8) All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district. All buildings used in conjunction with the use shall meet the requirements of the State Building Code.

~~Permitted and Conditional Uses~~		
~~Zoning Districts~~	~~Agritourism~~	~~Agricultural Direct-Market Business~~

	~~Permitted Use~~	~~Conditional Use~~	~~Permitted Use~~	~~Conditional Use~~
~~AIC Ag Interpretive Center~~		~~X~~	~~X~~	
~~A-1 Agriculture Protection~~		~~X~~	~~<25% products produced off-site~~	~~≥25% products produced off-site~~
~~HC Highway Commercial~~	~~X~~		~~X~~	
~~HIndustrial~~	~~X~~		~~X~~	
~~LR Limited Residential~~		~~X~~		
~~UE Urban Expansion~~				
~~VMX Village Mixed Use~~	-	-	-	-

(H) *Mineral extraction, mining.*

(1) *Conditional use permit required.* A new excavation or extraction operation, or the expansion of an existing operation, shall require a conditional use permit meeting the general requirements in Articles 3, 5 and 6 and the following specific provisions.

(2) *Application requirements.* Maps of existing conditions, the proposed pit or excavation and accessory structures, and site after reclamation shall be prepared by a professional engineer or land surveyor and filed with the application.

(a) The existing conditions map shall include: contour lines at five-foot intervals, existing vegetation, existing drainage and permanent water areas, existing structures, existing wells.

(b) The proposed map shall include, location and type of structures to be erected, location of processing machinery (if any), location of sites to be mined showing depth of proposed excavation, location of excavated deposits showing maximum height of deposit, location of storage of excavated materials showing the maximum height of excavated storage materials, location of stored mining materials, location of vehicle parking, erosion and sediment control structures.

(c) The reclamation map shall include: final grade of proposed site showing elevations and contour lines at five-foot intervals, proper sloping of banks at a maximum of 4:1, location and species of vegetation to be replanted, location and nature and nature of any structures to be erected in relation to the end use plan.

(3) *Topsoil removal.* The mining of topsoil for permanent removal from the property is prohibited.

(4) *Required conditions*. No conditional use permit shall be issued unless, at a minimum, the following conditions are included:

(a) An annual review of the site by the Zoning Administrator and as needed if the Zoning Administrator, using his or her discretion, deems it necessary. A fee shall be paid by the applicant at the time the application is submitted in an amount to cover the costs of the number of annual reviews required by the permit; the number to be determined by the length of the permit;

(b) Provide a plan for phasing excavation so that no greater area than a ten-acre cell is open at any time and provide a plan for reclaiming areas as new phased cells are opened. Properly drain, fill or level any excavation, after created, so as to make the same safe and healthful as the Board shall determine;

(c) Provide a plan specifying the amount and location of excavated materials to be stockpiled on site for any length of time;

(d) Provide a plan for dust and noise control meeting the standards of the State Pollution Control Agency during operations, so as to not create a nuisance to adjoining properties. Any dirt or gravel deposited in the public right-of-way shall be removed at regular intervals;

(e) Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property;

(f) Limit the hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday and from 7:00 a.m. to 12:00 p.m. on Saturdays and there shall be no mining activities on Sundays or the following observed holidays: New Year's Day; Easter; Memorial Day; Independence Day; Labor Day; Thanksgiving; and Christmas Day. A one-hour quiet start up time is allowed prior to the above-established times;

(g) During operation, fence, properly guard, and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks. Install an iron pipe gate (or other gate structure as approved by the County Board) at entrance access point(s) that remain locked during non-operating hours;

(h) Restrict runoff from the site to lake, rivers, streams or adjacent properties. The operation shall not interfere with surface water drainage beyond the boundaries of the site, nor shall it adversely affect the quality or quantity of subsurface water resources. Surface water originating outside and passing through the mining site shall, at the point of departure from the mining site, be of equal or better quality to the water where it enters the mining site. The permittee shall perform any water treatment necessary to comply with this provision at his or her or their expense; and

(i) Trucks entering and leaving the mining site shall utilized hard surfaced roads unless specific approval is granted by affected township(s). Should the township(s) allow for use of a non-hard surfaced road, the permittee shall provide adequate dust control so as to not create a nuisance to adjoining properties. All access roads from mining operations to public highways shall be laved or surfaced with gravel to minimize dust conditions. Provide adequate signage for public safety, such as "Trucks Hauling" signs.

1. All processing of mined materials on-site shall be done as to minimize adverse impacts of noise and dust on adjoining properties.

2. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

3. Stockpile topsoil for use in reclamation in a manner that prevents soil erosion. Any soils contaminated shall be mitigated as required by the MPCA and the appropriate authorities in the manner shall be promptly notified.

4. Grade site after extraction is completed so as to render it usable, replace topsoil, seed where required to avoid erosion and an unsightly mar on the landscape. The permittee shall comply with all reclamation standards required by the Board and shall follow the recommendations of the SWCD.

5. Structures, storage of excavated materials or topsoil, and the excavation edge shall be setback at least 300 feet from any protected water and at least 100 feet from an adjoining property line or public right-of-way. Mining and mining material operations and processing shall not be conducted within 100 feet of an adjoining property line or public right-of-way. No on-site processing of materials or storage of excavated materials or topsoil shall occur within 1,000 feet of a residence.

6. The permittee shall be responsible for maintenance and restoration of all county/township roads leading to the mining operation that may be damaged due to activities involving the mining operation unless the permittee can prove to the Zoning Administrator's satisfaction that the mining operation was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of the road authority's satisfaction.

7. Permittee shall be subject to review and compliance of the above-listed conditions. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statues, rules and ordinances. The County Board reserves the right to impose additional restrictions or conditions to the issuance of a conditional use permit, as it deems necessary, to protect the public interest.

(5) *Bonding required*. As a condition of granting the permit, the County Board shall require the owner, user or applicant to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the county, conditioned to pay the county the cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the County Engineer; and conditioned further to comply with all the requirements of this ordinance and the particular permit, and to pay any expense the county may incur by reason of doing anything required to be done by any applicant to whom a permit is issued. In addition, a performance surety shall be provided in the amount of $50,000. The surety shall be used to reimburse the county for any monies, labor or material expended to bring the operation into compliance with the conditions of the permit.

(6) *Duration of permit*. The duration of the conditional use permit shall not exceed five years. Failure to renew the permit or to restore the site shall result in the county exercising the bond and using the proceeds to restore and property close the site.

(7) *Renewal*. As a condition of renewal of a conditional use permit for excavation or extraction, the applicant must provide evidence of an active operation during the prior permit period.

(l) *Hunting shacks*.

(1) *Density standards*.

(a) One shack or dwelling per lot of record if the general standards in this section can be met.

(b) One shack per new lot if the new lot is ten acres or more and the general standards in this section can be met.

(c) One shack per 80,000 square feet, with a minimum of 60,000 square feet to be left in the natural state, if the general standards and the leasing standards can be met. Note: existing shacks will be counted in density calculations.

(2) *General standards*.

(a) Septic systems are not allowed (except within a group leasing situation). Pit toilets must be built according to State Pollution Control Agency and the State Department of Health standards, through the county sewage permit process.

(b) Wells and running water systems are not allowed. This prohibition applies to any water supply, including tanks of water brought in and either pumped or gravity flowed and discharged from the shack via a pipe or hose. Water in hand carried containers may be utilized but may not be employed so as to cause a discharge of sewage from a pipe or hose.

(c) Floor area must not be over 250 square feet. Any deck or porch area shall be included as part of the square foot calculations and shall be considered as part of the structure.

(d) The maximum height permitted is one story. That is no more than 14 feet above grade and includes any pilings or blocks the shack may be placed on. No basement area is permitted.

(e) The 200-foot setback from ordinary high water mark must be adhered to on all structures except docks.

(f) A shack located within the Shoreland District must have at least 200 feet of shoreline.

(g) Each lot must be adjacent to a public road or a recorded easement to allow access.

(h) The shacks must be removed if found in a dilapidated and/or abandoned conditions.

(i) A land survey by a registered land surveyor may be required.

(3) *Leasing standards*.

(a) There must be 200 feet of shoreline for each shack unless a cluster lease plan is approved, where the total shoreland shall be 200 feet times the number of shacks.

(b) Lots of less than ten acres created after the date of this amendment, August 22, 1989, will not qualify for building permits. If the newly created lot is ten acres or more, the owner of the lot may lease hunting shacks in accordance with leasing standards put forth in this section.

(c) Clustering will be allowed and density bonuses may be granted if common docks and launch areas are utilized or if other wildlife benefitting measures are incorporated into the operating plan. All Department of Natural Resources standards will be adhered to.

(d) The leased shack areas must be accessible for inspection and safety purposes.

(4) *Application guidelines*.

(a) The conditional use permit application must be accompanied by maps showing topography, ordinary high water line, existing structures, land ownership, elevations, roads, vegetation and proposed shack sites and natural land.

(b) Applications for leasing must also show an operating plan, including sewage systems, roads, lake access and other applicable features.

(c) The county may request additional information from the applicant if conditions warrant.

(d) The county may impose additional conditions on the conditional use permit.

(e) The county may require bonding to protect against future public costs.

(5) *Permit cancellation*. The permit may be canceled at any time the standards or conditions are not being followed but otherwise would go with the land.

(Ord. 97, passed 7-21-2009; Ord. 121, passed 6-16-2015; Ord. 125, passed 7-18-2017; Ord. 143, passed 9-15-2020)

AGRICULTURAL ZONING DISTRICTS AND RELATED USES

§ 6.08 A-1 AGRICULTURAL PROTECTION DISTRICT STANDARDS.

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

(1) Maintain the rural agricultural character of the ~~county~~County;

(2) Maintain active agricultural uses as an integral part of the county's economy;

(3) Minimize conflicts between agricultural and non-agricultural uses;

(4) Encourage development and retention of agriculturally-related businesses; and

(5) Allow limited residential development in agricultural areas where it does not infringe on high-quality farmland soils or agricultural operations.

(B) *Permitted uses*.

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

(2) Feedlots.

~~(a) Pursuant to § 6.06(C)(1), new feedlots of 50 animal units or more shall obtain a conditional use permit unless recommendations of the County Feedlot Site Inspection Team are implemented. All sites 3,000 animal units or larger, using the County Animal Unit value of 0.4 for hogs, shall obtain a County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.~~

(~~b~~a) Pursuant to § 6.06(C)(9), new animal feedlots are prohibited from locating 2,640 feet or less from an incorporated municipality, however, new animal feedlots located greater than 2,640 feet and less than or equal to 5,280 feet shall obtain the County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

~~(c) Pursuant to § 6.06(E)(4), the Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect.~~

(3) Feed and seed sales;

(4) Forestry, production of woodland products, nurseries, tree farms;

(5) Seasonal produce stands;

(6) Wildlife area, fish hatchery and forest preserve owned or operated by governmental agencies;

(7) Single-family detached dwellings (refer to density and other standards);

(8) Accessory dwelling unit pursuant to the standards in § 4.03;

(9) Home occupation pursuant to § 6.11(B);

(10) Licensed residential program (up to eight residents);

(11) Highway maintenance shops and yard;

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

(13) Parks and public recreation areas;

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

(15) Family daycare;

(16) Group family daycare;

(17) Solar ~~equipment~~Energy Systems (accessory), pursuant to § 6.16(PP);

(18) Swimming pool, hot tub;

(19) Water-oriented accessory structures (docks, lifts and the like); ~~and~~

(20) Wind turbine, accessory~~.~~;

(21) Standalone accessory structure(s);

(a) must meet the principal setbacks;

(b) conditional accessory structure shall only be utilized with an approved conditional use permit.

(22) other accessory uses and structures that are incidental to the principal use including sheds and garages.

(23) Removal and stockpiling of fill up to 500 cubic yards of fill;

(a) subject to review by Planning and Zoning and or Land and Water Resources Department.

(24) Agricultural Direct-Market Business when less than 25% of products are produced off-site; and

(25) Sober House.

(C) *Conditional uses (see Article 4 for accessory uses).* Accessory uses are subject to the standards found in Articles 3, 4 and 6 of this ordinance:

(1) Feedlots:

(a) Pursuant to § 6.06(C)(1), new feedlots of 50 animal units or more shall obtain a conditional use permit unless recommendations of the County Feedlot Site Inspection Team are implemented. All sites 3,000 animal units or larger, using the County Animal Unit value of 0.4 for hogs, shall obtain a County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

(b) Pursuant to § 6.06(C)(9), new animal feedlots are prohibited from locating 2,640 feet or less from an incorporated municipality, however, new animal feedlots located greater than 2,640 feet and less than or equal to 5,280 feet shall obtain the County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

(c) Pursuant to § 6.06(E)(4), the Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect.

(2) Agricultural chemicals, fertilizer sales;

(3) Agriculturally-oriented business;

(4) Ethanol or biofuel production, commercial;

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

(6) Livestock sales barn and accessory facilities;

(7) Mineral extraction, mining;

(8) Natural resource manufacturing and processing;

(9) Two-family dwelling;

(10) Home occupation, pursuant to §6.11(C); ;

(11) Temporary worker housing;

(12) Cemetery, memorial garden;

(13) Daycare center;

(14) Religious institution;

(15) Campground;

(16) Golf course, country club, driving range;

(17) Gun or archery range, indoor;

(18) Gun or archery range, outdoor;

(19) Hunting club (private), hunting preserve, hunting shacks;

(20) Organized group camp;

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

(22) Paint ball course;

(23) Riding academy, boarding stable;

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

(25) Bed and breakfast;

(26) Veterinary and animal clinic and facilities for the care and/or breeding of animals, including kennel and animal crematorium;

(27) Storage, bulk;

(28) Landfill (sanitary), recycling facility;

(29) Antenna for radio, television and communication facilities;

(30) Essential services, facilities and structures;

(31) Wind farm;

(32) Keeping of animals other than household pets (non-farm);

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

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

(35) Solar farms; and

(36) Trucking company or contractor's yard, as defined in § 8.03, when located at least 500 feet from a residence, other than the owner of the company or contractor's yard;~~.~~

(37) Agritourism;

(38) Agricultural Direct-Market when 25% or a greater percentage of products are produced off-site.

(39) Agricultural Equipment Sale;

(40) Cannabis Cultivation;

(41) Cannabis Manufacturer;

(42) Hemp Manufacturer;

(43) Cannabis Transportation; and

(44) Cannabis Delivery (up to 5 vehicles).

(D) *Density standards*. The base density permitted in the A-1 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. The density within a quarter-quarter may be increased pursuant to the provisions of § 6.09 (Transfer of development rights (TDR)). ~~Additional uses may be allowed through the conditional use process, which provides for:~~

~~(1) One accessory dwelling unit (ADU) per parcel, meeting the standards of § 4.03.~~

~~(2) Nonresidential business, institutional or recreational uses as outlined in Table 6-1, meeting the conditional use standards for those uses outlined in Articles 3 and 6.~~

(E) *Dimensional standards*. Development within the Agricultural Protection District shall be subject to the following minimum dimensional standards (amended 9-15-2009 and 6-21-2011):

(1) Lot area:

(a) Single-family dwelling, standard lots: one acre minimum ~~of buildable top ground land~~; maximum of five acres for new residential lots for new lots in major subdivisions as defined herein;

(b) Other principal permitted and conditional uses: three-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, 75 feet (conservation subdivision).

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

	Standard Lots	***Conservation Subdivision***
Front yard	75 feet	75 feet
Side yard	40 feet (standard lot)	10 feet (conservation subdivision)
Rear yard	40 feet (standard lot)	10 feet (conservation subdivision)

(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 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 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 and recorded by the County Recorder of Deeds and a copy provided to the Zoning Administrator.

(6) Maximum impervious surface coverage: none.

(7) Setback exception; residential subdivisions. All dwellings and residential accessory structures in residential subdivisions within the A-1 Agriculture Protection District may utilize the LR-Limited Residential setbacks for principal and accessory structures located on the interior lots. Lots located on the perimeter border of the subdivision shall use the setbacks in paragraphs (E)(3) and (E)(4) above.

~~(F) *Residential site inspection team.*~~

~~(1) The Residential Site Inspection Team (site team) shall consist of the following individuals or a designee from their office or agency:~~

~~(a) County Planning and Zoning Administrator;~~

~~(b) County Commissioner of the affected district;~~

~~(c) County Engineer;~~

~~(d) County Environmental Health Director;~~

~~(e) County Soil Water Conservation District Manager; and~~

~~(f) Township Officer of the affected township.~~

(2) *Jurisdiction.* The jurisdiction of the Residential Site Inspection Team shall include all lands in the county, excepting those located within incorporated cities.

(3) *Duties.* The Residential Site Inspection Team shall be required to conduct a site inspection of any proposed new residential unit that is not located on a platted lot or a lot of record prior to the effective date of this code on July 31, 2009. The County Planning and Zoning Administrator shall establish a meeting date and time for an on-site inspection the proposed development site within 30 days of notification of the owners intent for any new construction on lot not previously platted or lot of record prior as of July 31, 2009. The County Planning and Zoning Administrator shall execute notification to the Residential Site Inspection Team. The County Planning and Zoning Administrator shall, not later than ten days before the site inspection, provide notice by mail of the time and date of the site inspection to each property owner within one-half mile of the proposed new residential unit. A minimum of four Residential Site inspection Team members shall conduct the residential lot inspection.

(a) The Residential Site Inspection Team shall provide to the developer/ owner written recommendations regarding setbacks, location concerns, drainage concerns, potential pollution hazard concerns or the need for vegetative screening or any other technical information deemed necessary. The County Planning and Zoning Administrator shall provide a list in writing of all recommendations of the Site Inspection Team on a document entitled "Residential Site Inspection Team Recommendations". If during the process of a site inspection, a consensus cannot be obtained, amongst the site team members in attendance regarding the "site team recommendation", the applicant shall be required to apply for a conditional use permit to allow the construction. The Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect. A copy of this document shall be given to the developer/owner for review. The Residential Site Inspection Team recommendations shall be kept on file in the office of the County Planning and Zoning Office for public inspection and/or reproduction.

(b) To obtain a zoning permit for the construction of any home in the county that is not on a platted lot or parcel of record as defined herein, the following procedures apply: The owner operator will have two options. The developer/owner may either implement all recommendations of the Residential Site Inspection Team as a condition of receiving a zoning permit or choose not to implement the recommendations. Any developer/owner choosing not to comply with all recommendations of the Residential Site Inspection Team shall only be granted a zoning permit for the construction of a new residence after receiving a conditional use permit from the County Board and complying with all other provisions of this ordinance and all conditions set forth in the conditional use permit.

(c) If the developer/owner agrees to follow the site team recommendations, rather than obtain a conditional use permit, the developer/owner shall sign the "County Residential Site Inspection Team Recommendations" document, notarized by a notary public, acknowledging that the developer/owner understands the recommendations and will abide by the recommendations as a condition of being issued a zoning permit for the construction of any residence. Any zoning permit thereafter issued to the developer/owner shall be conditioned upon compliance with all the recommendations of the site team. Any failure to comply with the site team recommendations shall be deemed a violation of this ordinance and the developer/owner shall be subject to any or all of the violation and enforcement procedures of this ordinance.

(d) Any zoning permit must meet the site team recommendations and shall be binding on any future developer/owner of the property.

~~(e) If a conditional use hearing is required, a copy of the written recommendations of the Residential Site Inspection team shall be submitted for review by the Planning Commission and the Board of Commissioners. The Planning Commission shall hold at least one public hearing on each application for a conditional use permit prior to any final decision of the County Board. Conditional use permit procedures shall be followed as defined in this ordinance.~~

~~(f) Following the closing of the public hearing and the formulation of the Planning Commission's recommendations, the County Planning and Zoning Administrator shall report the findings and recommendations of the Planning Commission to the County Board at their next regularly scheduled meeting. The County Board shall approve, deny or return to the Planning Commission the conditional use permit application.~~

(~~G~~F) *Additional requirements*. Additional requirements within this ordinance and other County ordinances apply to development in the Agricultural Protection District. These include, but are not limited to, the general regulations in Article 4 and 5 and specific development standards in Article 6 of this ordinance.

(Ord. 97, passed 7-21-2009; Ord. 104.1, passed 6-21-2011; Ord. 111, passed 10-1-2013; Ord. 114, passed 4-15-2014; Ord. 117, passed 6-17-2014; Ord. 123, passed 9-20-2016; Ord. 125, passed 7-18-2017; Ord. 146, passed 4-20-2021)

§ 6.09 TRANSFER OF DEVELOPMENT RIGHTS (TDR).

(A) *Transfer of development rights (TDR) program; purpose*. The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process for permanently preserving rural resources and lands that provide a public benefit; the TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density where it can best be accommodated with the least impact on the natural environment and public services by:

(1) Providing an effective and predictable incentive process for property owners with rural resources to preserve lands with a public benefit; and

(2) Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and ~~policies, and~~policies and are adjusted to the specific conditions of each receiving site.

(B) *Transfer of development rights (TDR) program; sending sites*. For the purpose of this chapter, a sending site means a parcel or parcels of land of at least a quarter-quarter section located within the A-1, Agricultural Protection District or, under certain restrictions, into the UE, Urban Expansion District. The parcel or parcels shall be under ownership by one person, a married couple or one corporation, a partnership or limited liability company or there must be a written agreement between all owners of a quarter-quarter section agreeing to the sale of a TDR. In addition, the sending quarter-quarter sections must not already be improved with a residence or residences.

(C) *Transfer of development rights (TDR) program; receiving sites*.

(1) Receiving sites located within the A-1 Agricultural Protection District must not:

(a) Adversely impact any significant environmental resource or environmentally sensitive areas; or

(b) Require public services and facilities to be extended to allow the development of the receiving site.

~~(2) When presented for approval, TDRs proposed within receiving sites located within the UE, Urban Expansion District, must include a covenant agreeing to allow an adjacent and abutting municipality to annex a subdivision when utilities can be made available. The covenant must be approved by the County Planning and Zoning Administrator and recorded with the County Recorder or the Registrar of Titles for the county. A notice provision by the annexing municipality to impacted property owners and public hearing by the municipality shall be required as part of the covenant.~~

(~~3~~2) Except as provided herein, development of a receiving site shall comply with dimensional standards and minimum lot standards of the underlying A-1, Agricultural Protection District or the UE, Urban Expansion District.

(~~4~~3) If an owner intends to occupy a residence, a TDR may be transferred to a location adjacent to a feedlot by the owner and operator of the feedlot.

(~~5~~4) TDR may be transferred within a township or between a common owner anywhere within the county. A transfer between two owners and into another township shall be completed only by completing a conditional use permit and by following the requirements of this section.

(D) *Transfer of development rights (TDR) program; calculations*.

(1) The number of residential development rights that a sending site is eligible to send to a receiving site shall be determined by applying the TDR ratio of one TDR (unit) to a receiving site per quarter-quarter section from a sending site.

(2) The maximum number of development rights transferred to any receiving area shall not exceed eight TDRs per 40 acres if a traditional subdivision is used or 16 TDRs per 40 acres if an approved conservation subdivision is utilized.

(3) The TDR must come from a complete quarter-quarter section and sending quarter-quarter sections must not be improved with a residence, feedlot or commercial or industrial building(s). Any fractions of development rights that result from the calculation of a TDR shall not be included in the final determination of total development rights available for transfer.

(E) *Transfer of development rights (TDR) program; documentation of restrictions*.

(1) Following the approval of the transfer of development rights from a sending site, a permanent easement documenting the development rights transfer shall be recorded in the office of the County Recorder or the Registrar of Titles against the title of the sending site parcel.

(2) The form of the restriction shall be approved by the County Attorney and the County Planning and Zoning Administrator.

(3) The planning and zoning office shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights including the sending and receiving sites.

(4) When a transfer of development rights has occurred, the TDR restriction shall be documented on a map of the county. The approved TDR restriction shall take the form of an easement and identify limitations on future residential development consistent with this code.

(F) *Transfer of development rights (TDR) program; transfer process*.

(1) Following review and approval of the sending site application by the County Planning and Zoning Administrator, a TDR certificate letter of intent, agreeing to issue a TDR certificate shall be

prepared authorizing an exchange for the proposed sending site transfer of development rights easement. The sending site owner may then market the TDR sending site development rights to potential purchasers. If the TDR sending site that has been reviewed and approved by the County Planning and Zoning Administrator changes ownership, the TDR certificate letter of intent may be transferred to the new owner if requested in writing to the Planning and Zoning Administrator by the person or persons that owned the property when the TDR certificate letter of intent was issued. Documentation evidencing the transfer of ownership must also be provided to the County Planning and Zoning Department with the letter request.

(2) In applying for receiving site approval, the applicant shall provide the County Planning and Zoning Department with the following:

(a) A TDR certificate letter of intent issued in the name of the applicant, and a copy of a signed option to purchase the TDR sending site development rights; and

(b) An application for a preliminary plat to subdivide the property through the process described in this code. The public hearing for the preliminary plat shall also function as the hearing authorizing the use the TDR sending certificates.

(3) All receiving sites must be located within a platted subdivision or be approved by minor subdivision to include a survey prepared by a licensed Minnesota land surveyor. Prior to any subdivision or the issuance of any Zoning Permit to construct a new residence, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document in the form of a permanent easement to the County Planning and Zoning Administrator. Both the TDR certificate issued and the extinguishment document in the form of a permanent easement shall be recorded with the office of the County Recorder or the Registrar of Titles with or prior to the recording of a deed to transfer title.

(4) When the receiving site development proposal requires a public hearing under this title or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal.

(5) When the development proposal does not require a public hearing under this title, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

(6) Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication easement and notification has been provided to the County Planning and Zoning Administrator of the recording of the documents.

(G) *Sunset provision*. The Planning and Zoning Administrator shall annually prepare a report regarding the use of TDRs within the county by January 31 of each year to assist the Planning Commission and the County Board in assessing the TDR program. To be valid, a TDR must be duly recorded by the office of the County Recorder or the Registrar of Titles by that date. Any unrecorded TDR will not be valid.

(Ord. 97, passed 7-21-2009; Ord. 128, passed 3-20-2018)

§ 6.10 GENERAL STANDARDS FOR RESIDENTIAL DISTRICTS.

Gasoline storage in a Residential District. No underground gasoline storage shall be permitted, except when part of a farming operation and located not less than 50 feet from any dwelling, adjoining property line, well or public road or highway.

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

§ 6.11 SPECIFIC STANDARDS FOR RESIDENTIAL AND RELATED USES.

(A) *Boarding house*.

(1) The use must be located within a single-family dwelling, and shall be considered the principal use on the property.

(2) The exterior appearance of the structure shall not be altered from its single-family residential character.

(B) *Home occupation, permitted*. A home occupation is allowed in any district where residential uses are permitted. Permitted home occupations include the following: offices; professional services; art or craft studios; hair styling salon or barber; dog grooming; teaching; tutoring or counseling; single truck owner operators; and similar activities that involve little additional traffic or external evidence of the use. All home occupations shall conform to the following standards.

(1) The occupation shall be conducted only by person(s) residing in the dwelling.

(2) The home occupation shall be incidental and subordinate to the use of the property for residential purposes.

(3) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located. Events that attract traffic in excess of this amount shall be regulated as special events if they meet the special event standards in § 3.09.

(4) One non-illuminated sign no more than four square feet per surface may be permitted.

(5) Entrance to the home occupation shall be from within the structure. Any exterior evidence of the business shall be compatible with surrounding uses.

(6) The home occupation shall not result in increased usage of the septic system beyond the system's capacity.

(7) One additional parking space shall be provided for the use of clients, deliveries and the like, located outside of any required setback.

(C) *Home occupation, conditional*. Conditional use home occupations include the following: craft or trade workshops; small engine repair; dog "daycare"; and similar activities requiring the use of outdoor space or accessory buildings. In addition, any home occupation that exceeds any of the standards for permitted home occupations may be allowed as a conditional use in any district where residential uses are permitted.

(1) No more than two persons at any given time other than person(s) residing in the dwelling shall be employed in conjunction with the home occupation.

(2) The home occupation may be conducted in an accessory building or attached garage not exceeding 2,000 square feet of gross floor area.

(3) Up to three additional parking spaces shall be provided to accommodate any additional parking required by the home occupation, located outside of any required setback.

(4) No outdoor display of good is permitted.

(5) Outdoor storage shall be screened from adjacent residences as specified under commercial landscape requirements in § 6.15, and must be in character with neighborhood.

(6) An outside entrance may be provided.

(7) One non-illuminated sign no more than 12 square feet in size may be provided.

(8) No equipment or processes used in the home occupation shall create noise, vibration, glare, fumes, odors or electrical interference detectable off the premises.

(9) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located. Events that attract traffic in excess of this amount shall be regulated as special events if they meet the standards in § 3.09.

(10) Operations that expand to exceed the standards of this subsection (C) and their conditional use permit may be required to reduce the scope of their activities to comply with those standards.

(D) *Licensed residential program*. A licensed residential care facility shall comply with the following standards.

(1) The building and any exterior fenced areas shall meet the setback and dimensional standards for a single-family residence.

(2) The use shall comply with all applicable federal, state and county rules and regulations.

(3) The facility shall be licensed by the appropriate state agency.

(4) The exterior appearance of the structure shall not be altered from its single-family residential character.

(5) The facility shall not provide accommodations to treat persons whose tenancy would constitute a direct threat to the health and safety of other individuals.

(E) *Manufactured home park*.

(1) *Area and dimensional standards*.

(a) The minimum required area for a manufactured home park shall be ten acres.

(b) A minimum area of 4,000 square feet shall be provided for each residence.

(c) Setback requirements shall be as follows:

1. Front yard setbacks: 25 feet from curb of interior streets;

2. Side yard: ~~ten~~ 10 feet between side yards; a minimum separation of 30 feet between manufactured homes or other structures;

3. Rear yard: 15 feet; and

4. Adjacent to public streets or roads, the setbacks of the primary zoning district shall be met.

(d) Maximum lot coverage: 25%.

(2) *Design standards:*

(a) Vehicular access points shall be subject to review and approval of the County Engineer.

(b) All streets shall be hard-surfaced; street width shall be as specified for private streets in § 3.06. Streets shall be lighted and designed per county road standards.

(c) A minimum of one off-street parking space shall be provided for each manufactured home.

(F) *Multi-family dwelling*. Within the VMX and LR Districts, new multi-family units may be allowed as a conditional use meeting the following requirements.

(1) A maximum of four units may be permitted within any building or on a single parcel.

(2) When present in a mixed use building in the VMX District, multi-family units shall be located above the first floor with other allowed nonresidential uses on the ground floor.

(3) All county SSTS standards shall be met.

(G) *Sober house*. The purpose of this section is to set forth standards and conditions pertaining to a request for reasonable accommodation. Sober house shall be permitted in zoning districts where residential uses are allowed except in the I General Industrial, HC Highway Commercial and CLR Closed Landfill Restricted Districts.

(1) *Standards and conditions*. A request for reasonable accommodation for this use as required under the Federal Fair Housing Act Amendments of 1988 by providing an exception to the maximum number of unrelated persons living together in a dwelling unit shall automatically be granted if the following standards and conditions are met. This does not limit Waseca County from granting additional reasonable accommodation for this use under the general provisions of the Unified Development Code.

(a) The operator shall submit a request for reasonable accommodation to the Planning and Zoning Administrator on a form as provided by the county, to be approved by Waseca County Board of Commissioners, specifying the proposed maximum residential occupancy, and providing information necessary to assure the use meets applicable zoning standards.

(b) For a structure serving 17 or more potential sober house occupants, a conditional use permit is required.

(c) A sober house shall be required to adhere to applicable county regulations and all applicable federal and state laws.

(H) *Temporary worker housing*. Temporary housing for migratory or other farm workers shall comply with the following standards.

(1) The dwelling unit shall be located upon the property where the worker is employed.

(2) Occupancy is limited to eight months of each year.

(3) The unit, whether site built or manufactured, shall meet all requirements of applicable state manufactured housing codes and any applicable local building codes in effect at the time of construction.

(4) All buildings used as temporary housing shall have a permanent, continuous perimeter foundation.

(5) Occupancy per unit shall be limited to standards established by the state and the local Fire Department Official.

(6) Sanitary facilities shall meet the county SSTS standards.

(7) Site and structural improvements (parking, recreation space, site layout and the like) shall be determined by the Planning Commission.

(8) A temporary dwelling unit shall not be considered in the calculation of residential density as set forth in this ordinance.

(I) *Two-family dwelling*.

(1) The site must possess the zoning district's minimum lot size for two-family dwellings.

(2) Front entrance location.

(a) Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.

(b) The primary entrance to at least one unit shall be located on the facade fronting a public or private street or private lane or access easement.

(Ord. 97, passed 7-21-2009; Ord. 149, passed 2-1-2022)

§ 6.12 RESIDENTIAL, INSTITUTIONAL AND CIVIC USES OFF-STREET PARKING REGULATIONS.

All vehicle parking for residential, institutional and civic uses hereafter constructed or maintained shall conform to the applicable provisions of this ordinance; required off-street parking areas shall meet the following design standards.

(A) *Minimum parking space size and adequate access.* Each parking space shall have a width of not less than ten (10) feet and a depth of not less than 20 feet. Each parking space shall be adequately served by access drives.

(B) *Reduction and use of parking areas*. On-site parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than that required under this ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(C) *Handicapped parking*. Off-street parking areas shall be designed to meet the number, placement, size and marking and identification requirements for handicapped parking contained in federal and state statutes.

(D) *Yards*. On-site parking facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located.

(E) *Access*.

(1) Parking spaces shall have proper access from a public right-of-way.

(2) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard. Frontage roads or service roads may be required when, in the opinion of the County Planning Commission, such service roads are necessary to maintain traffic safety.

(3) Vehicular access to business or industrial uses across property in any residential District shall be prohibited.

(F) *Location and maintenance of parking facilities*.

(1) Required on-site parking space shall be provided on the same lot as the principal building or use.

(2) The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

(G) *Location of off-street parking required site plan*. Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this ordinance. Marking and delineation of off-street parking areas may be required as part of a site development plan or subdivision approval.

(H) *Required number of off-street parking spaces for residential, institutional and civic uses*.

(1) *Adequate parking required*. On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use.

(2) *Computation of required spaces*. In computing the number of such parking spaces required, the following rules shall govern.

(a) Floor space shall mean the gross floor area of the specific use.

(b) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the County Board and the Planning Commission.

(d) In places of public assembly, in which patrons occupy benches, pews or similar facilities, each 22 inches of such seating facility shall be counted as one seat for the purposes of determining requirements.

(3) *Principal use*. In all districts, off-street parking shall be required based on the principal use of the lot in the amounts listed in Table 6-6, below.

Table 6.6 Off-Street Parking Requirements for Residential, Institutional and Civic Uses	
Use Category or Type from Table 6-10	***Required Spaces***
Institutional and civic uses - community services except cemetery	1 for each 4 seats provided or 1/1,000 sq. ft. of gross floor area
Institutional and civic uses - cemetery	1/4,000 sq. ft. of gross land area
Institutional and civic uses - educational institutions except secondary school	1/each employee plus 1/each 4 students, based on design capacity
Institutional and civic uses - health care and social services	4/1,000 sq. ft. of gross floor area
Institutional and civic uses - secondary school	1/each employee plus 1/each 6 students, based on design capacity

Institutional and civic uses - public parks and open space	1/5,000 sq. ft. of gross land area
Residential uses - group living	1 per dwelling unit plus one for every two bedrooms
Residential uses - household living	1 per dwelling unit

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

§ 6.13 SPECIFIC STANDARDS FOR INSTITUTIONAL AND CIVIC USES.

(A) *Cemetery*. Any new or expanded cemetery shall comply with the following requirements.

(1) Burial plots and headstones shall be located a minimum of 15 feet from all lot boundaries.

(2) Minimum area: any lot with a cemetery as the principal use shall be at least three acres in size ~~with at least 100 feet of frontage on a hard-surfaced road~~.

(B) *Daycare center*. The following standards apply to daycare centers, both permitted and conditional, and to family or group daycare accessory to a residential use.

(1) Within a residential or agricultural district, the building and any exterior fenced area shall meet the setback requirements for a single-family residence.

(2) The use shall comply with all applicable federal, state and county rules and regulations.

(3) For child daycare facilities, at least 50 square feet of outside play area shall be provided for each child under care.

(4) For adult daycare facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.

(5) When the daycare facility is located in a church or school building originally constructed for use as a church or school, the use shall be treated as an accessory use.

(C) *Religious institution*. The following standards shall apply both to permitted and conditional uses.

(1) Site plan review shall be required.

(2) The site must be accessed via a ~~paved~~ road of sufficient capacity to handle the anticipated traffic. A traffic study may be required.

(3) One accessory single-family residential use on the same lot as the religious institution shall be allowed.

(4) Any other uses of the facility, such as a school or daycare center, shall be treated as a separate use.

(D) *Highway maintenance shop and yard*.

(1) *Site plan*. Site plan review shall be required. Special attention shall be paid to outdoor storage and the prevention of nuisance to adjacent properties.

(2) *Hours of operation*. The Planning Commission may limit the hours of operation shall be limited so as to prevent an adverse impact on adjacent property owners.

(3) *Street access*. The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(E) *Private school*.

(1) *Site plan*. Site plan review shall be required.

(2) *Off-street parking*. Parking shall be provided in the side or rear yard and shall be completely screened from view of any adjoining residential properties as described found in § 6.15.

(3) *Building proximity to property line*. No building shall be located within 30 feet of any property line unless the lot is adjacent to a nonresidential use.

(4) *Lighting*. All exterior lights must be directed downward and not produce glare on adjoining residential properties.

(5) *Screening*. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties as required by the County Zoning Administrator.

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

§ 6.14 LR LIMITED RESIDENTIAL DISTRICT.

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

(1) Allow limited residential development within the Shoreland Overlay District of the general development and recreational development lakes (except Goose Lake, due to the shallow nature of this water body), as shown on the approved zoning map, and in areas between general development lakes and natural environment lakes where a parcel is: within one mile of a general development as shown on the approved zoning map; and where a concept plan was submitted prior to the approval of this code. The goal is to allow growth in areas that are not well-suited for agricultural use because of soil type, topography, vegetation or other factors. Residential uses should be designed and located so as to minimize impact on natural and scenic resources. Residential uses should not interfere with existing agricultural operations;

(2) Promote conservation subdivision design in order to maintain contiguous blocks of economically viable agricultural land, woodlands and open space and to preserve scenic views, natural drainage systems and other desirable features of the natural environment; and

(3) Provide flexibility, innovation and creativity in development of lands with proximity to general development and recreational development lakes that is subject to development pressure.

(B) *Permitted uses*.

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

(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 (refer to density and other standards);

(6) Accessory dwelling unit, pursuant to the standards in § 4.03;

(7) Home occupation, pursuant to § 6.11(B);

(8) Licensed residential program (up to eight residents);

(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) Barber, beauty shop;

(13) Bed and breakfast;

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

(15) Family daycare;

(16) Group family daycare;

(17) Solar ~~equipment~~Energy Systems, pursuant to § 6.16(PP);

(18) Swimming pool, hot tub;

(19) Wind turbine, accessory;

(20) Sober House; and

(~~20~~21) Other accessory uses and structures that are incidental to the principal use.

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

(1) Two-family dwelling;

(2) Boarding house;

(3) Home occupation, pursuant to §6.11(C);

(4) Multi-family dwelling;

(5) Temporary worker housing;

(6) Cemetery, memorial garden;

(7) Daycare center;

(8) Campground;

(9) Golf course, country club, driving range;

(10) Hunting club (private) hunting preserve;

(11) Organized group camp;

(12) Riding academy, boarding stable;

(13) Essential services, facilities and structures;

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

(15) Water-oriented accessory structures (docks, lifts and the like); and

(16) Agritourism.

~~(17) Sober House~~

(D) *Density standards*. The base density permitted in the LR District is eight dwelling units per ~~40 acres or a proportional number based on parcel size~~quarter-quarter section. A dwelling that is part of a farmstead is counted as a dwelling unit. A parcel of record is entitled to one dwelling unit.

(E) *Conservation subdivision design requirement and standards*. As an incentive to protect county natural resources and promote goals of the Comprehensive Plan, conservation subdivision design is an option in the LR District.

(1) If conservation subdivision design is used in compliance with provisions in § 3.06, the maximum permitted residential density is 16 units per 40 acres.

(2) Minimum common open space: A minimum of 50% of the property shall be protected as permanent common open space, which may include agricultural uses and other uses specified in the conservation easement text.

(3) Open space shall be sited and designed according to the standards in § 3.06.

(F) *Dimensional standards*. Development within the Limited Residential 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~~;

(b) Conservation subdivision lots: 0.75-acre ~~average of buildable top ground land~~ minimum; two and one-half-acre maximum;

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

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

(2) Minimum lot width: 150 feet, or 75 feet for conservation subdivision lots;

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

	Standard Lots	***Conservation lots***
Front yard	40 feet	30 feet from interior road
Rear yard	30 feet	25 feet
Side yard	15 feet	10 feet

(4) Minimum setback when a property is accessed via a private road

(a) Front yard: 25 feet

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

(a) Front yard: same as principal structure;

(b) Side yard: 15 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: 15 feet (~~ten~~ 10 feet if structure is 100 square feet or less in area and no greater than 14 feet in height).

(~~5~~6) 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~~7) Maximum impervious coverage(outside the Shoreland District): 25%; and

(~~7~~8) Maximum height for all structures except agricultural structures, utilities and communication or wind towers: 35 feet.

(G) *Additional requirements*. Additional requirements within this ordinance and other ~~county~~ County ordinances apply to development in the Limited Residential District. These include, but are not limited to, the general regulations in Articles 4 and 5 and the conditional use and specific development standards found in Articles 3 through 6 of this ordinance.

(Ord. 97, passed 7-21-2009; Ord. 104.1, passed 6-21-2011; Ord. 138, passed 9-3-2019; Ord. 143, passed 9-15-2020)

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AND RELATED USES

§ 6.15 GENERAL STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES.

(A) *Performance standards*. It is the intent of this section to provide that uses of land and buildings in commercial and industrial districts shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

(1) *Standards*.

(a) *Landscaping*. All required yards either shall be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs and the like. Any areas left in a natural state shall be properly maintained in an attractive and well-kept condition. Yards adjoining any residences shall be landscaped with buffer planting screens. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.

(b) *Emissions*. Emission or creation of noise, odors, heat, glare, vibration, smoke, toxic or noxious fumes, and dust or other particulate matter shall conform to standards established by the State Pollution Control Agency. Detailed plans relating to the proposed use and operation may be required before issuance of a building permit to ensure compliance with these regulations.

(c) *Exterior lighting*. Any lights used for exterior illumination shall be diffused, hooded or directed away from adjoining properties and public streets.

(d) *Water pollution*. All uses shall conform to the water pollution standards and controls enforced by the county and those adopted by the State Pollution Control Agency and other agencies and governing bodies which have such powers and controls.

(e) *Hazard*. Every use established, enlarged or remodeled shall be operated with reasonable precautions against fire and explosion hazards.

(2) *Compliance*. In order to ensure compliance with the performance standards set forth above, the County Board may require the owner or operator of any permitted or conditional use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the County Board.

(B) *Landscaping*. Yards of commercial sales and service and industrial uses adjoining any residential district shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the application for zoning permit and installed as a part of the initial construction.

(C) *Storage of materials*. For any commercial sales and service and industrial uses the display of materials in the public right-of-way shall be prohibited. Any other outdoor display shall be located or screened so as not to be visible from any residential district within 1,000 feet.

(D) *Exception to required front yard area*. For commercial and industrial buildings, up to 20% of the required front yard area may be covered by arcades, canopies, roofs, solar power systems or similar architectural features.

(E) *Parking standards for commercial and industrial uses*.

(1) *Location of required off-street parking*.

(a) On-site parking and loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located, except that in the Highway Commercial and General Industrial Districts no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way, or any residential or agricultural district, except for railroad loading areas.

(b) No parking area shall be constructed in the required side yard of a building that is adjacent to a residential district.

(2) *Handicapped parking*. Off-street parking areas shall be designed to meet the number, placement, size and marking and identification requirements for handicapped parking contained in state statutes.

(a) *Design and access to off-street spaces*. Commercial and industrial uses shall adhere to the standards for parking areas for residential, civic and institutional uses found in § 6.12, except where it directly contradicts a standard found in this section (§ 6.15), when the standards found in this section (§ 6.15) shall be the controlling.

(b) *Number of required spaces*. In all districts, off-street parking for commercial recreation, retail, service, commercial and industrial uses shall be required based on the principal use of the lot in the amounts listed in Table 6.7 below.

Table 6.7 Minimum Off-street Parking Standards for Commercial and Industrial Uses	
Commercial recreation uses	1 for each 4 seats provided or 5/1,000 sq. ft. of gross floor area or gross land area

Industrial uses	No minimum or spaces as required by the Board after review by the Planning Commission in case of conditional use permit
Retail, service and commercial uses	3/1,000 sq. ft. of gross floor area or as required by the Board after review by the Planning Commission

(3) *Combined parking facilities*. Combined or joint parking facilities may be provided for one or more buildings or uses in any commercial or industrial District, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

(4) *Construction and maintenance*.

(a) In any commercial or Industrial District, parking areas and access drives shall be covered with a dust-free, all-weather surface or an adequate gravel base with proper surface drainage, as required by the County Engineer.

(b) The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

(5) *Lighting*. Lighting shall be reflected away from the public right-of-way and nearby or adjacent residential or agricultural district.

(6) *Off-street loading areas; commercial and industrial uses*.

(a) *Purpose*. The purpose of the regulation of loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and so to promote the safety and general welfare of the public, by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

(b) *Loading space and access*. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve. Each loading space shall contain a minimum area of not less than 500 square feet.

(c) *Number of loading berths*. Required loading berths in connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, and which will have a gross floor area of 5,000 square feet or more, there shall be provided off-street loading space on the basis of the following minimum requirements.

Square Feet of Aggregate Gross Floor	***Minimum Required Number of Area Berths***
5,000 up to and including 16,000	1
16,000 up to and including 40,000	2
40,000 up to and including 70,000	3
70,000 up to and including 100,000	4

For each additional 40,000	1 additional
One additional loading berth shall be provided for each additional 20,000 square feet or fraction thereof of gross floor area	

(7) *Off-street loading area design standards*. Required off-street loading areas shall meet the following design standards.

(a) *Size*. Each loading berth shall be not less than 15 feet in width, 60 feet in length, and 15 feet in height. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve. Each loading space shall contain a minimum area of not less than 500 square feet.

(b) *Location*. Such berth may occupy part of a required yard space, however, required off-street loading areas shall not occupy required buffer areas between commercial or industrial lots and adjacent non-commercial or non-industrial lots, and no berth shall be constructed in the required side yard of a building that is adjacent to a residential district.

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

§ 6.16 SPECIFIC STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES.

(A) *Airport, heliport, aircraft rental, sale, servicing, manufacturing and related services*.

(1) All airports and heliports shall be approved by the State Department of Transportation, Aeronautics Division and shall comply with all applicable federal and state requirements.

(2) All airports and heliports shall be located at least two miles from any built up area having a density of two or more dwelling units per acre.

(3) Hangers used for storing aircraft shall be located at least 150 feet from the right-of-way of any public road or street and at least 500 feet from any residential structure on abutting land.

(4) No portion of any runway shall be located within 1,000 feet of a residential structure.

(B) *Adult uses*.

(1) *Licensing requirements*. See Article 3, Development Review Processes and Requirements.

(a) No person(s) under 18 years of age shall be permitted in any adult use-principal premises, enterprise, establishment, business or place.

(b) No liquor license, as defined, shall be issued to any adult use related premises, enterprise, establishment, business or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of or participation in “specified sexual activities” or “specified anatomical areas”.

(c) No adult use related premises, enterprise, establishment, business or place shall allow or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business or place.

(d) Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this ordinance be construed to allow an activity otherwise prohibited by law.

(e) Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.

(f) An adult use that does not qualify as an accessory use pursuant to subsection (B)(9) below shall be classified as an adult-use principal.

(g) The owner/operator shall hire and employ his or her own security personnel who shall provide crowd control to maintain orderly conduct at such establishment. These employees are not required to be law enforcement personnel.

(h) Off-street parking shall be provided meeting the requirements found in § 6.15.

(2) *Site plan review*. Site plan review shall be required for all adult uses. Access, parking, screening, lighting and other relevant site-related criteria shall be considered as part of the site plan review process.

(3) *Separation requirements*. Any adult use-principal, shall be located at least 1,000 lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:

(a) Any residentially used or zoned property;

(b) Any licensed daycare center or facility;

(c) Any public or private educational facility classified as an elementary, junior high or senior high school;

(d) Any hotel or motel;

(e) Any public park or trails system;

(f) Any nursing home;

(g) Any youth establishment;

(h) Any church or church related organization; and/or

(i) Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.

(4) *Hours of operation*. Hours of operation for adult uses-principal shall be between the times of 9:00 a.m. and 12:30 a.m. The County Board may approve a differing time schedule if it can be satisfactorily demonstrated to the Board that all of the following apply.

(a) The use does not adversely impact or affect uses or activities within 1,000 feet.

(b) The use will not result in increased policing and police related service calls.

(c) The schedule is critical to the operation of the business.

(5) *Sign regulations*. Adult uses-principal shall adhere to the following sign regulations in addition to those set forth in § 4.12, Sign Regulations.

(a) Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.

(b) Signs shall be limited to the size and number of signs permitted in the district in which the use is located.

(6) *Adult cabaret restrictions*. The following additional restrictions apply to adult cabarets.

(a) No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid adult use license.

(b) An adult use licensee shall maintain and retain for a period of two years the names, addresses and ages of all persons engaged, hired or employed as dancers or performers by the licensee. These written records must be provided to the county or county's enforcement designee(s) upon request.

(c) An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.

(d) No owner, operator or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude unless as provided in subparts (B)(7) and (B)(8) below.

(e) No patron or any person other than a dancer or live entertainer shall be wholly or partially nude in terms of "specified anatomical area" in an adult cabaret.

(f) No dancer, live entertainer, performer shall be under 18 years of age.

(g) All dancing shall occur on a platform intended for that purpose which is raised at least two feet above the level of the floor.

(h) No dancer or performer shall perform or dance closer than ten (10) feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.

(i) No dancer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

(j) No person under 18 years of age shall be admitted to an adult cabaret.

(7) *Viewing booth restrictions*. The following additional regulations apply to viewing booths.

(a) Individual motion picture viewing booths must be without doors and the occupant must be visible at all times.

(b) Only one person may be in a viewing booth at a time.

(c) Walls separating booths must be such that the occupants cannot engage in sexual activity.

(d) Each booth must be kept clean and sanitary.

(e) Minimum lighting requirements must be maintained. Minimum lighting shall be construed to be that of which a book of general print could be easily read by any given individual.

(8) *Accessory adult uses*. Adult uses-accessory shall be permitted in the HC, Highway Commercial and I, General Industrial Districts, provided the accessory use conforms to the provisions of this subsection (B)(8).

(9) (a) *Adult use, accessory*. An adult use, accessory shall:

1. Comprise no more than 10% of the floor area of the establishment in which it is located;
2. Comprise no more than 20% of the gross receipts of the entire business operation; and
3. Not involve or include any activity except the sale or rental of merchandise.

(b) *Restricted access*. Adult uses-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access.

1. Movie rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.

2. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

3. Other adult uses not specifically cited shall comply with the intent of this ordinance.

(c) *Advertising*. Adult uses, accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

(C) *Cannabis Business*

(1) Purpose. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, which authorizes Waseca County to protect the public health, safety, welfare of the County residents by regulating cannabis businesses within the jurisdiction of the County. The County finds and concludes that the proposed provisions are appropriate and lawful land use regulations the County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

(2) Registration of Cannabis Businesses.

(a) Consent to Registering Cannabis Business. No individual or entity may operate a state-licensed cannabis retail business within the County without first registering with the County. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty for each violation, as established by the County Board of Commissioners.

(b) Compliance Check. Prior to issuance of a cannabis retail business registration, the County shall conduct a preliminary compliance check to ensure compliance with local ordinances.

(c) Fees. The fees including but not limited to registration and renewal fees shall be as established by the County Board of Commissioners.

(d) Application for a retail registration and subsequent renewal of retail registration shall be filed with the Zoning Administrator with required fees. The application shall include:

1. Full name of the property owner and applicant;

2. Address, email address, and telephone number of the applicant;

3. The address and parcel ID for the property which the retail registration is sought;

4. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

5. A copy of a valid state license or written notice of Office of Cannabis Management license Preapproval;

6. Any additional information or development review processes and requirements as determined by the Zoning Administrator.

(e) Location Change. A state-licensed cannabis retail business shall be required to submit a new application for registration under 2(d) above, if it seeks to move to a new location still within the jurisdictional boundaries of this ordinance.

(f) Annual Compliance Checks. The County shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this section. The County shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

(g) Suspension of Registration. The County may suspend a cannabis retail business's registration if it violates this section or any provisions in the Unified Development Code or any County regulations or poses an immediate threat to the health or safety of the public. The County shall immediately notify the cannabis retail business in writing the grounds for the suspension and notify the Office of Cannabis Management of such. The length of suspension shall be as determined by the Office of Cannabis Management.

(h) Limits to the Number of Retail Registrations. The County shall limit the number of cannabis retail businesses and microbusiness/mezzobusinesses with retail licenses to no fewer than one (1) registration for every 12,500 residents in areas lying outside the incorporated limits of municipalities within the County. The population data provided by the US Census Bureau shall be used in this determination. If the number of allowable active cannabis retail business registration is reached, the County shall not be required to register additional state-licensed cannabis retail businesses.

(3) Requirements For Cannabis Businesses

(a) Minimum Buffer Requirements. The operation of a cannabis business is prohibited within:

1. 1,000 feet of a School;

2. 500 feet of a Daycare or Daycare Center;

3. 500 feet of a Residential Treatment Facility;

4. 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

5. Other buffer requirements pursuant to Minn. Stat. 462.367 subd. 14394.36, as it may be amended from time to time are applicable.

(4) Zoning and Land Use. See each zoning district for permitted and conditional uses.

(5) Hours of Operation. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 9 p.m., Monday through Sunday. The sale of cannabis is prohibited between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.

(6) Sign Regulations. Cannabis businesses shall adhere to the regulations set forth in §4.12, Sign Regulations.

(7) Use in Public Place. Pursuant to Minn. Stat. 152.0263, Subd. 5, no person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

(D) *Automobile repair*.

(1) *Site plan*. Site plan review shall be required.

(2) *Access*. If the Planning Commission determines it necessary, the site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Repair shop*. All repairs shall be performed within a completely enclosed building.

(4) *Hazardous materials*. Venting of odors, gas and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors. All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary. The State Duty Officer's phone number is 1-800-422-0798.

(~~D~~E) *Automobile service station, car wash*.

(1) *Site plan*. Site plan review shall be required.

(2) *Access*. If the Planning Commission determines it necessary, the site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate

(3) *Car wash*. A car wash facility, either attached or detached from the principal structure, shall only be permitted as an accessory use.

(4) *Water*. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

(5) *Noise*. Vacuum and drying facilities shall be located in an enclosed structure or at a sufficient distance from any residential use to minimize the impact of noise. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(6) *Spills*. All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(~~E~~F) *Bed and breakfast*.

(1) *Location*. The facility shall be located in a single-family detached dwelling.

(2) *Number of bedrooms*. A maximum of four bedrooms may be rented to guests.

(3) *Guest parking*. Parking for guests shall be located to the rear or side of the dwelling.

(4) *Guest register*. The facility shall maintain a guest register open to inspection by the county.

(~~F~~G) *Building material sales and storage, lumber yard, garden store, commercial greenhouse, manufactured home sales*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(5) *Buffers*. Buffers shall be installed meeting the standards found in § 6.15.

(6) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(~~G~~H) *Bulk storage*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(~~H~~I) *Campground, organized group camp, recreational camping area*.

(1) Site plan review shall be required.

(2) The campground or organized group camp must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study may be required. A recreational camping area may be accessed via an unpaved road.

(3) One accessory caretaker's residence on the same lot as the facility shall be allowed.

(4) Density and area requirements:

(a) Minimum area requirement for a camp area shall be five acres; and

(b) Minimum site size of 2,000 square feet shall be provided for each recreational camping vehicle in camping area.

(5) Setback and spacing requirements:

(a) All recreational camping vehicles shall be located at least 25 feet from any camping area property boundary line abutting upon a public street or highway right-of-way and at least ten (10) feet from other park property boundary lines;

(b) All recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, car ports or individual storage facilities, shall, for the purpose of this separation requirement, be considered part of the recreational camping vehicle; and

(c) A minimum of 10% of the site area shall be developed for recreational use (play areas, courts, swimming and the like) and maintained at the owner/operator's expense.

(~~I~~J) *Convenience gas and goods sales*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(5) *Buffers*. Buffers shall be installed meeting the standards found in § 6.15.

(6) *Spills*. All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(~~J~~K) *Essential services*.

(1) *Purpose*. Since essential services, as defined by this ordinance, may have an effect upon urbanizing areas of the county, county land uses, county highway locations, and county parks and recreation areas, the location of all such essential services in any zoning district shall be filed with the County Engineer and the Zoning Administrator prior to commencement of any condemnation action or construction by the owner.

(2) *Applicability*. Standards in this subsection shall only apply to those essential service facilities subject to local control as determined by M.S. Chapter 216, as it may be amended from time to time.

(3) *Permit processing*. Transmission services, i.e., utility service such as electrical power lines of a voltage of 35 KV or greater, or bulk gas or fuel being transferred from station to station, and not intended for in route consumption, shall follow the following procedures.

(a) The owner shall file with the Zoning Administrator such maps indicating the location, alignment and type of service proposed as shall be requested.

(b) The maps and accompanying data shall be submitted to the Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.

(c) Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed essential services and shall file such report with the County Board.

(d) Upon receipt of the report of the Planning Commission on the planned essential services, the County Board shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications considered desirable under this ordinance.

(4) *Permitted use*. Electric substations and similar essential service structures, as well as public utility buildings, shall be a conditional permitted use in all districts.

(5) *Placement within county right-of-way*. An application for a permit for essential services located within any county highway or county state aid highway rights-of-way shall follow the following procedures.

(a) The applicant shall file with the County Engineer on forms supplied by the county, an application for such permit accompanied by maps indicating the locations, alignment and type of service proposed.

(b) The application and accompanying data shall be reviewed by the County Engineer, and the County Engineer may issue the permit after determining that the application is acceptable and in the best interests of the county.

(c) The County Engineer may require, in conjunction with the issuance of such permit, that:

1. The applicant submit, as built, drawings of the essential services after construction; and

2. The applicant construct the essential service to take into consideration contemplated widening, re-grading or relocation of a county highway or county state aid highway, providing the county owns such additional right-of-way.

(6) *Maintenance*. No utility permits shall be required to maintain, or reconstruct, existing lines where the general alignment of the existing line is maintained.

(7) *Review timeliness*. Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications within 45 days of receipt by the County Engineer. Failure to act within 45 days shall constitute approval.

(8) *Fees*.

(a) A utility permit application fee shall be established by the County Board payable when the application is filed.

(b) Any outside costs for consulting services to aid the Planning Commission and/or County Board in making a decision on the utility permit application shall be paid by the applicant. Such fee shall be as determined by the County Board.

(~~K~~L) *Fertilizer manufacture*.

(1) *Site plan*. Site plan review shall be required.

(2) *Setbacks*. Anhydrous ammonia containers shall be located outside of buildings other than those especially constructed for this purpose. Containers shall meet the following setbacks:

(a) From a main line railroad: ~~ten~~ 10 feet;

(b) From adjacent property boundaries: 50 feet;

(c) From a dwelling or water supply well or water body: 100 feet; and

(d) From an educational institution, hospital or religious assembly: 1,000 feet.

(3) *Outdoor storage prohibited*. Equipment or materials shall be completely enclosed in a permanent structure, with the exception of fertilizer storage tanks and fertilizer equipment; no outdoor storage shall be permitted.

(4) *Spills*. All chemicals, hazardous materials, solid waste, and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(5) *Architect or engineered design*. This project is required to be designed by a licensed engineer or architect in accordance with the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geosciences and Interior Design.

(~~L~~M) *Golf course, country club, driving range*.

(1) Site plan review shall be required.

(2) Setback: all buildings shall be set back at least 50 feet from the property line of any residential use.

(3) The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study and transportation management plan may be required.

(4) One accessory caretaker's residence on the same lot as the facility shall be allowed.

(5) Storage of pesticides and fertilizers shall follow the standards of the State Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.

(6) Golf courses shall be designed with environmental resources in mind. Performance standards shall include:

(a) Water recycling and conservation through on-site storage and use facilities;

(b) Use of landscaped buffers and other Best Management Practices (BMPs) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and

(c) Use of landscaping and careful layout of golf course to preserve and enhance wildlife habitat through preservation of existing vegetation and habitat as well as creation of new habitat opportunities.

(~~M~~N) *Go-cart track, miniature golf, skating rink (unenclosed).*

(1) Site plan review shall be required.

(2) The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study and transportation management plan may be required.

(~~N~~O) *Hunting preserve.*

(1) The boundaries of all hunting preserves shall be clearly indicated by signs.

(2) The signs shall be no more than 150 feet apart and shall be continuous around the perimeter of the area contained in the preserve.

(3) The lettering on the signs shall be at least two inches in height.

(4) The signs shall clearly state the nature of the preserve and the type of use involved.

(~~O~~P) *Landfill (sanitary), recycling facility.*

(1) *Site plan.* Site plan review shall be required.

(2) *Conditional use permit length.* The conditional use permit for the facility shall be reviewed every five years to determine whether the facility continues to comply with all conditions.

(3) *Operational plan.* An operational plan shall be developed for the facility, and subsequent activities shall be conducted in accordance with the plan.

(4) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(5) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(6) *Parking.* Parking and loading shall meet the standards found in § 6.15.

(7) *Buffers.* Buffers shall be installed meeting the standards found in § 6.15.

(8) *Noise.* Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(9) *Spills.* All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the

use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(10) *Architect or engineered design*. This project is required to be designed by a licensed engineer or architect in accordance with the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geosciences and Interior Design.

(~~P~~Q) *Office, professional or medical*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(~~Q~~R) *Office, other than professional or medical*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(~~R~~S) *Office services*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(~~S~~T) *Organized motor sports, paint ball course*.

(1) A site plan shall be submitted regarding the nature of the facility, sanitary facilities and waste disposal, lighting, hours of operation, erosion control and other issues identified as relevant to the proposed use.

(2) Erosion control plans for trails may be required.

(3) Tracks or trails shall be set back at least 500 feet from property lines, at least 300 feet from any road right-of-way, and at least 1,500 feet from existing residences, with the exception of residences on the same property as the motor sport use.

(4) Noise shall be limited to a maximum level of 50dB(A) at the nearest property line.

(5) One caretaker residence may be allowed, which shall be used only by the caretaker and his or her family members. The caretaker residence shall be accessed via the access road to the facility.

(~~T~~U) *Repair services*.

(1) *Site plan*. Site plan review shall be required.

(2) *Parking*. Parking and loading shall meet the standards found in § 6.15e.

(~~U~~V) *Restaurant (drive-in), theater (drive-in), or similar uses that provide goods and services to patrons in automobiles*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(5) *Buffers*. Buffers shall be installed meeting the standards found in § 6.15.

(6) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(~~V~~W) *Retail sales establishment*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(4) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(~~W~~X) *Restaurant*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(4) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(~~X~~Y) *Riding academy, boarding stable (may also be subject to feedlot requirements)*.

(1) Site plan review shall be required.

(2) Any building must be located shall be located at least 50 feet from the boundary of any residential use.

(3) Special events that will periodically attract visitors, customers or traffic in excess of normal operations must obtain a special event permit, as specified in § 3.09.

(~~Y~~Z) *Salvage yard, recycling facility with incinerator, other facilities with incinerators*.

(1) *Site plan*. Site plan review shall be required.

(2) *Screening*. Outdoor storage shall be located or screened so as not to be visible from 1,000 feet of any residential district or from any public road. A solid fence or vegetative screening a minimum of six feet in height (in place at the time of permitting) shall be used for screening purposes.

(3) *Use of front yard*. No part of the front yard is to be used for the conduct of business in any manner except for parking of customer or employee vehicles.

(4) *Spills*. All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(~~Z~~AA) *Shooting range, indoor*.

(1) *Setback*. The shooting range building shall be located at least 50 feet from the boundary of any residential use.

(2) *Site plan*. Site plan review shall be required.

(3) *Performance standards*. The use shall conform to the applicable State Pollution Control Agency, Environmental Protection Agency and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels, lead containment and outside noise standards.

(4) *Retail sales*. If retail sale and repair of weapons and/or ammunition is conducted on the premises, the management shall comply with all licensing and operations requirements of the Federal Bureau of Alcohol, Tobacco and Firearms.

(5) *Building design*. The design and construction of the firing range shall totally confine all fired projectiles within the building and in a controlled manner. The design and construction of the firing range shall be certified by a licensed engineer with expertise in shooting range design, and shall be designed, constructed and certified to all applicable professional standards. The certified plans shall include the specifications and construction of the bullet traps, ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.

(6) *Log of users*. A written log of range users shall be maintained by the range operator. The log shall include the name and address of the range user, and the time and date the user was in the range. The name and address of the range user shall be verified by photo identification. The log shall be subject to review by the County Sheriff or designee.

(7) *Alarm system*. An alarm system, cut wire protected, shall be supplied to provide security for the general premises.

(8) *Firearm storage*. Firearms which are stored on the premises shall be stored in a vault when the range is closed for business. An alarm system, independent of the general alarm system and cut wire protected, shall be supplied for the firearm vault. Ammunition shall not be stored in the firearm vault.

(9) *Supervision*. On-site supervision shall be supplied at all times by an adult with credentials as a qualified range master, based on National Rifle Association standards.

(10) *Transport*. The transport of firearms on the premises shall conform to state law.

(11) *Access by minors*. Minors shall not be allowed in the range unless accompanied by an adult at all times.

(12) *Hours of operation*. The operation of the range shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

(~~AA~~BB) *Shooting range, outdoor; hunting club*.

(1) *Compliance*. Facilities shall be in compliance with the performance standards set forth in M.S. Chapter 87A, as it may be amended from time to time.

(2) *Authorized activities*. Shooting ranges that meet the performance standards in M.S. Chapter 87A, as it may be amended from time to time, shall be allowed to engage in the following authorized activities within the property boundaries of the range:

(a) *Discharge of firearms*. Operate the range and conduct activities involving the discharge of firearms;

(b) *Membership*. Expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range;

(c) *Meet standards*. Make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards;

(d) *Activities*. Increase events and activities related to the primary activity as a shooting range;

(e) *Time of operations*. Conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m.; and

(f) *Purchase additional land*. Acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

(3) *Mitigation area*. A mitigation area is established for a distance of 750 feet from the perimeter property line of an outdoor shooting range. Within the mitigation area, the following provisions apply.

(a) *Development prohibited*. No change in use, new development or construction of a structure shall be approved for any portion of property within the mitigation area.

(b) *Exemption for existing development*. Uses, development and structures in existence or for which approval has been granted by October 1, 2005 are exempt from the mitigation area requirements.

(c) *Exemption if mitigation provided*. A change in use, new development or construction of a structure may occur within the mitigation area if the person seeking the approval agrees to provide any mitigation necessary to keep the shooting range in compliance with the performance standards. The mitigation agreement shall be signed by the person seeking approval and the shooting range. If no mitigation is required to keep the shooting range in compliance with the performance standards, an agreement shall be signed by the person seeking approval and the shooting range stating that mitigation is not required. Agreements required under this subsection (AA) shall be in written form and subject to approval by the County Board. Failure to obtain an agreement required under this subsection shall exempt the shooting range from being found out of compliance with the performance standards in relation to the property or person where the agreement was not obtained if the failure to provide mitigation is the sole reason for the shooting range being out of compliance with the performance standards.

(4) *Setback from existing residences*. No outdoor shooting range shall be allowed within 1,500 feet of an existing residence, measured from the property line of the range site. This provision shall not apply to a residence on the shooting range property. No outdoor shooting range shall be allowed within 750 feet of a property line.

(5) *Caretaker's residence*. One accessory caretaker's residence on the same lot as the facility shall be allowed.

(6) *Performance standards*. All shooting ranges shall comply with the minimum standards for range design, location, management, operation, noise abatement and safety listed in the most current *National Rifle Association Range Sourcebook*, as well as the following standards:

(7) *Range*. The range shall be designed to provide protection from accidental or stray ammunition discharge for surrounding properties.

(8) *Only firearms shall be discharged at the range*. No cannons, artillery or rockets shall be discharged unless blanks are being fired.

(9) *Management Plan and Safety Plan*. All shooting ranges must have in place a Management Plan and Safety Plan approved by the county which will detail how all shooting activities will be controlled, supervised and managed.

(10) *Fencing required*. Fencing shall be required according to the approved site plan. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use.

(11) *Gun club facilities*. Use of a gun club facility shall be restricted to club members, guests, and participants in club sanctioned events. It shall be the responsibility of the club to supervise all shooting activities.

(12) *Noise limits*. Allowable noise levels for the operation of a shooting range are those specified in M.S. Chapter 87A, as it may be amended from time to time. Sound measurement methodology is as defined in Minnesota Rules, Part 7030.0060.

(13) *Lead Management Plan*. Shooting ranges shall have a current lead management plan approved by the MPCA on file with County Planning and Zoning Department.

(14) *Landscape screening*. Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences. The vegetative buffer shall be a combination of native grasses and trees that are matched to the soil type found on the range perimeter. At least three rows of different species of trees, planted similar to a windbreak or shelterbelt are required. With a mixture of heights, growth quickness and a combination of conifer and deciduous species, both a sight and sound buffer can be created to effectively block noise levels emitted from the range.

(15) *Retail sales prohibited*. No retail sales or repair of firearms shall be permitted as an accessory use to an outdoor range. Retail sales of ammunition, other supplies, refreshments and the like shall be permitted.

(16) *Liability insurance*. The range operator shall maintain liability insurance in an amount acceptable to the County Attorney and shall provide the County Planning and Zoning Department with a copy of the insurance policy.

(~~BB~~CC) *Skating rink (enclosed), dance hall, game arcade, bowling alley, health club*.

(1) Site plan review shall be required.

(2) Setback. Any building must be located shall be located at least 50 feet from the boundary of any residential use.

(3) The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study and transportation management plan may be required.

(~~CC~~DD) *Tavern, club*.

(1) *Site plan*. Site plan review shall be required.

(2) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(3) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(~~DD~~EE) *Towers for radio, television and communication facilities*.

(1) *Site plan*. Site plan review is required.

(2) *Proof of insurance*. The construction contractor of the communication tower must provide proof of insurance or a bond, acceptable to the County Board of Commissioners prior to commencement of construction.

(3) *Abandonment*. All towers and antennas not used for a period of 12 consecutive months shall be considered abandoned and shall be removed. The applicant must furnish a copy of the relevant portion of an executed lease, which identifies the applicant's obligation to remove abandoned or unused towers, concrete footings, anchors, supporting equipment and antennas prior to the issuance of a conditional use permit to erect a tower. The county shall require financial assurances including bonds in an amount sufficient to cover costs of removal of towers, buildings, concrete footings, anchors, supporting equipment and antennas. An engineer's cost estimate which documents removal costs of the tower, building, concrete footings, anchors, supporting equipment and antennas shall be submitted with the conditional use permit application. Such engineer's cost estimate is to assist the Board of Commissioners in determining the amount of financial assurance necessary to cover removal costs of such towers, buildings, concrete footings, anchors, supporting equipment and antennas. If any towers, buildings, concrete footings, anchors, supporting equipment and antennas have not been removed within 90 days' written notice by the county after abandonment, the county shall have the right to remove the towers, buildings, concrete footings, anchors, supporting equipment and antennas, and assess the property.

(4) *Lighting*. Un-regulated lighting shall be deflected downward and away from road right-of-way and nearby or adjacent residential or agricultural districts.

(5) *Fall zone*. The communication tower shall be setback a distance equal to or greater than 1.1 times the height of the structure from any property line or public right-of-way so that the fall zone is entirely within the property on which the antenna is located.

(6) The communication tower and any structures built on the property shall comply with all applicable local, state and federal regulations.

(~~EE~~FF) *Truck terminal, truck stop, freight terminal*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(5) *Buffers*. Buffers shall be installed meeting the standards found in § 6.15.

(6) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(7) *Noise*. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(8) *Spills*. All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(~~FF~~GG) *Veterinary and animal clinic and facilities for the care and/or breeding of animals including kennel and animal crematorium*.

(1) *Site plan*. Site plan review shall be required.

(2) *Facility design*. All veterinary clinics or hospitals shall provide indoor facilities having adequate heating, ventilation and lighting and outdoor facilities having shelter from the elements. Facilities shall have proper drainage and a plan for manure management.

(3) *Exercise areas*. All animal runs or exercise areas shall be located at least 100 feet from any adjoining property line if there is a residence or platted residential lot within 1,000 feet of such runs or exercise areas. If there is no residence or platted lot within 1,000 feet, the setbacks of the animal runs or exercise areas shall be equal to the accessory building setback of the underlying district. Outdoor animal runs or exercise areas are prohibited within the VMX Village Mixed-Use District, UE Urban Expansion District and LR Limited Residential District.

(4) *Licenses*. Facilities must obtain all required state and federal licenses or operational permits.

(5) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(6) *Animal crematorium*. An animal crematorium may be operated in connection with a veterinary clinic or as a stand-alone facility that provides services to a veterinary clinic or clinics. An animal crematorium shall only be used for the disposal of animals. A stand-alone animal crematorium facility shall provide no outside appearance of the operation and shall not include a sign. Stand-alone crematoriums shall pick-up and deliver animals from veterinary clinics and shall have no visitors other than employees or inspectors. Animal pick-up shall be done in leak-proof containers. The following standards for animal crematoriums shall be met.

(a) *Setback*. The crematorium shall be located in a structure and be at least 500 feet from any residence other than the owner of the property.

(b) *Site plan*. Site plan review shall be required.

(c) *Parking*. There shall be at least one parking space available for each employee working at the site at any time.

(d) *Refrigeration*. Deceased animals stored on the site prior to disposal shall be kept under refrigeration to eliminate the possibility of odor emanating from the animal.

(e) *Furnaces*. The furnaces shall use natural gas or propane as the heat source for the furnace.

(f) *Performance standards*. Incinerator must be adhere to the State Pollution Control Agency guidelines as follows:

1. Capable of producing emissions not to exceed 20% opacity;

2. Fitted with an afterburner that maintains flue gases at 1,200°F for at least 0.3 seconds; and

3. Ash from the incinerator must be handled in such a manner as to prevent particulate matter from becoming airborne and shall be properly disposed of.

(~~GG~~HH) *Warehouse distribution facility*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(5) *Buffers*. Buffers shall be installed meeting the standards found in § 6.15.

(6) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(7) *Noise*. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(8) *Architect or engineered design*. This project is required to be designed by a licensed engineer or architect in accordance with the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design.

(~~HH~~II) *Water-oriented commercial business*.

(1) *Site plan*. Site plan review shall be required.

(2) *Street access*. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access*. Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking*. Parking and loading shall meet the standards found in § 6.15.

(5) *Lighting*. Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(6) *Days and hours of operation*. Approval for this use shall specify the days and hours of operation.

(~~II~~JJ) *Wind Energy Conversion Systems (WECS)*.

(1) *Purpose*. This ordinance is established to regulate the installation and operation of wind energy conversion systems (WECS) within the county not otherwise subject to siting and oversight by the state.

(2) *Permit requirements*.

(a) The application for all WECS shall include the following information:

1. The names of project applicant;

2. The name of the project owner;

3. The legal description and address of the project;

4. A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter and total height of all wind turbines and meteorological towers and means of interconnecting with the electrical grid;

5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid and all related accessory structures. The site layout shall include distances and be drawn to scale;

6. Engineer's certification; and

7. Documentation of land ownership or legal control of the property.

(b) The application for commercial WECS (projects above 100 kw but less than 5,000 kw in total name plate capacity) shall also include:

1. The latitude and longitude of individual wind turbines;

2. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten rotor diameters of the proposed WECS;

3. Location of wetlands, scenic and natural areas (including bluffs) within 1,320 feet of the proposed WECS;

4. An acoustical analysis that shows to the satisfaction of the Planning Commission that the WECS will comply with Minnesota Rules, Chapter 7030 state noise statutes;

5. Evidence of a power purchase agreement;

6. A construction plan that includes transportation schedule and descriptions of over-weight and over-lengths materials to be transported to the site, necessary utility and roadway modifications, road detours (if necessary) and financial guarantee that utilities and roadways will be returned to pre-construction conditions;

7. FAA permit application;

8. Location of all known communication antennas within two miles of the proposed WECS;

9. Decommissioning plan; and

10. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

(c) *Aggregated projects procedures*. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects of 5 MW or more in total name plate capacity shall be licensed and approved through state statutes.

(3) *Tower setback and dimensional standards*. All towers setbacks shall adhere to the following setbacks listed below.

(a) Minimum setbacks for non-commercial wind turbines:

1. Property line 1.1 times the total height; and

2. Public road right-of-way 1.1 times the total height.

(b) Minimum setbacks for commercial wind turbines:

1. Property line 1.1 times the total height;
2. Public road right-of-way 1.1 times the total height;
3. Residential dwelling 750 feet; and
4. Wetlands, USFW Types III, IV and V 600 feet.

(c) Minimum setbacks for meteorological towers:

1. Property line 1.1 times the total height;
2. Public road right-of-way 1.1 times the total height;
3. Residential dwelling 1.1 times the total height; and
4. Wetlands, USFW Types III, IV and V 600 feet.

(d) Essential services setback standards. Substations and feeder line setback standards shall be determined by regulations governing essential services in Article 7.

(e) Wind generation mechanical clearance. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.

(f) Maximum height of non-commercial WECS is 200 feet.

(4) *Safety and other design standards*.

(a) *Engineering certification*. For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

(b) *Fire Protection and Emergency Response Plan*. A fire prevention and emergency response plan for all phases of the life of the facility. The plan shall address major concerns associated with the terrain, weather conditions and access to the tower in the event of an emergency.

(c) *Required signage*. For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point. Signage shall comply with standards found in Article 5.

(d) *Required guy wire visibility*. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight feet above the ground.

(e) *Tower configuration*. All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.

(f) *Color and finish*. AN wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.

(g) *Lighting*. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red

strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

(h) *Feeder lines*. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried. Feeder lines installed as part of a WECS shall not be considered an essential service.

(i) *Waste disposal*. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

(j) *Discontinuation and decommissioning*. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.

(k) *Plan*. Each commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a certified professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

(l) *Orderly development*. Upon issuance of a conditional use permit, all commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act Program staff of the project location and details on the survey form specified by the Environmental Quality Board.

(m) *Noise*. All WECS shall comply with Minnesota Rules, Part 7030 governing noise.

(n) *Federal Aviation Administration*. All WECS shall comply with FAA standards and permits.

(o) *Interference*. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals cause by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or State Department of Transportation microwave transmissions. The burden shall be on the applicant to prove that the WECS will not interfere with the county's emergency response communication system.

(p) *Avoid damage to roads*. The applicant shall identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.

(q) *Drainage and road network*. The applicant shall be responsible for immediate repair of damage to public drainage and road network stemming from construction, operation or maintenance of the WECS.

(~~JJ~~KK) *Retreat house*. Conditionally permitted in A-1 Agriculture Protection District and the AIC Agriculture Interpretive Center District.

(1) The owner/operator must allow periodic inspections by the County Planning and Zoning Department and County Public Health Services Department.

(2) A guest registration log must be maintained by the owner/operator and made available for review by the County Planning and Zoning Office or Public Health Services Department.

(3) Any activities occurring upon the site shall not cause a nuisance due to noise, odor, lighting, vibration or traffic generation.

(4) The operations involved within the structure are not to involve the retail sale of goods or commodities unrelated to the event occurring at the facility.

(5) A certificate of liability insurance for the structures, property, occupants, visitors and events shall be submitted annually to the County Planning and Zoning office.

(6) The owner/operator shall obtain all licenses required by the state or the County Public Health Services Department.

(7) The property must have at least one parking space per bed within the retreat house.

(8) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half of its clear floor to ceiling height below the average grade of the adjoining ground. When strict compliance herewith is impracticable, the Board may waive any of the provisions of this paragraph subject to such conditions as may be deemed desirable in the individual case.

(9) The Planning Commission shall take into consideration the following information and performance standards in which to base their recommendation on the conditional use permit application to the County Board: the hours of operation; the maximum stay of the occupants; the distance to any surrounding feedlots; the number and proximity of dwellings within one mile surrounding the proposed retreat center; the impact on local traffic.

(10) In addition to the other requirements, the application for a conditional use permit shall be accompanied by three copies of the plans which indicate or address the following:

(a) Stated purpose and type of the retreat center;

(b) Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas and the like;

(c) Plans for sanitary sewage disposal, water systems (natural or human-made), and utilities servicing the site;

(d) Existing and proposed surface drainage;

(e) Existing or proposed location for exterior lighting;

(f) Location and width of all streets abutting the site;

(g) Proposed schedule of events and any proposed special events, which consist of any events that are not a part of the normal operating schedule;

(h) Certificate of liability insurance for the structures, property, occupants, visitors, and events proposed;

(i) List the number of adult caretaker(s) on duty and on site and the times they will be present;

(j) Dimensioned floor plan indicating the rooms or units to be used;

(k) On-site advertising shall be limited to one sign per entrance, not to exceed the requirements of Article 4 General Regulations, § 4.12 (sign regulations) and location must be described or shown on the site plan; and

(l) Any licenses or permits required by the Waseca County Public Health Services Department, including, but not limited to, kitchen and food facilities, water supply, septic systems and lodging requirements.

(11) Maximum length of stay for guests shall be limited to seven consecutive days or six nights per week. Additionally, within one calendar year, a single guest may utilize the business' services at a maximum not to exceed 30 days.

(12) Maximum permitted number of rooms utilized for sleeping purposes within an establishment shall be not more than six bedrooms for those parcels residentially zoned.

(13) There shall be no cooking facilities separate from the principal kitchen within the structure to be utilized for or by guests and/or occupants of the retreat house.

(~~KK~~LL) *Retreat center*. Conditionally permitted in the HC Highway Commercial District and the Agriculture Protection District, AIC Agriculture Interpretive Center District and the LR Limited Residential.

(1) Standards in subsections (JJ)(1) through (JJ)(13) above listed for retreat houses shall also apply to retreat centers.

(2) The maximum stay of the occupants cannot exceed two weeks, unless otherwise established by the County Board.

(3) All new structures and modification to existing structures shall require a zoning permit.

(4) Retreat center units shall not be converted into permanent dwelling units, unless an application is approved showing that the units meet the requirements of the zoning ordinance and County Public Health Services Department rules and regulations.

(5) Existing buildings, in which the public may have access, used as any part of the Retreat Center must pass Building Code inspections prior to it being utilized by the retreat center.

(6) All county shoreland requirements and state planned unit development requirements shall apply.

(~~LL~~MM) *Breweries, taprooms and micro-distilleries*. This subsection addresses performance standards for the establishment and operation of a small brewery, microdistillery and brewer taprooms to be in compliance with M.S. Chapter 340A, as it may be amended from time to time.

(1) *Production capacity*. The annual production capacity of a small brewery or microdistillery may not exceed the amounts specified in M.S. § 340A.301, as it may be amended from time to time.

(2) *Uses*. The following uses may be permitted at a Small Brewery or Microdistillery in the I Industrial or HC Highway Commercial District or as a conditional use in the A-1 Agriculture Protection District:

(a) Aging processing and storage of beer (brewery) or distilled spirits (microbrewery) in bulk;

(b) Milling, malting, mashing, lautering, boiling, fermenting, conditioning, filtering of grain and fruit inside of a structure;

(c) Bottling, kegging, storage and wholesaling of kegs and bottled beer or distilled spirits; and

(d) Office use associated with the facility.

(3) *Premises sampling room*. Each sampling room (microdistillery) or taproom (brewery) in which distilled spirits or beer is to be manufactured and sold in the A-1 Agriculture Protection District must apply for a conditional use permit from the County Planning and Zoning Department and must conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room; however, there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food. Subject to the limitations of M.S. § 340A.301, as it may be amended from time to time, the following uses associated with a premises sampling room or taproom may be permitted at a microdistillery or small brewery in the I Industrial or HC Highway Commercial District or as a conditional use in the A-1 Agriculture Protection District, which would include preparation and sale of food:

(a) Display and sale of art and craft items;

(b) Sale of retail products such as glassware, distillery or brewer literature, and accessories, apparel, cheese products, and items directly related to beer or distilled spirit products;

(c) Indoor and outdoor live music shall be permitted during the hours of 12:00 p.m. and 11:00 p.m. on Friday, Saturday and Sunday except Indoor and outdoor live music is restricted in the A-1 Agricultural Protection District to the hours of 12:00 pm to 9:00 pm Friday, Saturday and Sunday;

(d) On-site marketing of beer or distilled spirits, including up to three special events annually and as limited by the special events provisions of the Waseca Unified Development Code;

(e) Preparation and serving of food (restaurant) will be subject to the requirements of the County Public Health Services Department and will only be allowed as a conditional use and only as related to the Microdistillery or Brewery operation in the A-1 Agriculture Protection District. Unified Development Code, Article 6 Zoning District Regulations, § 16 Specific Standards for Commercial and Industrial Uses apply as well as related to the microdistillery or brewery operation in the Districts of A-1 Agricultural Protection, HC Highway Commercial and I Industrial;

(f) Tours;

(g) Retail sale (as licensed for on-sale or off-sale) of beer or distilled spirits fermented and bottled at the microdistillery or brewery; and

(h) Retail sale of wine (on-sale only with appropriate license).

(4) The following standards shall apply to all small breweries or microdistilleries including tasting rooms or brewer taprooms.

(a) A site plan shall be required.

(b) All other applicable licenses and permits shall be obtained from the appropriate agency and maintained in association with the operation of the small brewery, microdistillery and/or brewer taproom. Copies of current appropriate licenses and/or permits shall be submitted to the County Planning and Zoning Department.

(c) The small brewery, microdistillery and brewer taproom located on a site within the A-1 Agriculture Protection District shall have a minimum parcel size of five acres and must be located at least 500 feet from any residence other than the owner.

(d) The small brewery, microdistillery and brewer taproom must comply with the provisions in the county code of ordinances relating to parking and loading requirements.

(e) The retail sale of products fermented at the facility must comply with state statutes and County Ordinance No. 10 regarding liquor licensing and must be incidental to the primary operation of the brewery or microdistillery.

(f) The total space for the sale of non-brewery related items including food, beverages other than beer, glassware, literature and accessories, shall not exceed 20% of the total square footage of the structure, of the small brewery or microdistillery.

(g) The subsurface sewage treatment system (SSTS) and all associated components shall be maintained in accordance with MPCA SSTS standards. The SSTS of a small brewery, microdistillery and brewer taproom shall be separate from any residential use associated with the property.

(~~MM~~NN) *Farm winery*. This subsection addresses performance standards for the establishment and operation of farm wineries.

(1) *Production capacity*. The annual production capacity of a farm winery may not exceed the number of gallons permitted in M.S. § 340A.315, as it may be amended from time to time.

(2) *Uses*. A farm winery may be allowed as a permitted use in the I General Industrial District or HC Highway Commercial District or as a conditional use in the A-1 Agricultural Protection District upon the granting of a conditional use permit:

(a) Aging processing and storage of wine in bulk;

(b) Crushing of grapes inside or outside of a structure;

(c) Bottling storage and wholesaling of bottled wine; and

(d) Office use associated with the winery.

(3) *Prohibited uses*. The following uses are not permitted at a farm winery: retail sale of items that are not permitted under the state statute farm winery license.

(4) *Premises winery sampling room*. Each sampling room for a farm winery in which wine is to be manufactured and sold in the A-1 Agriculture Protection District must apply for a conditional use permit from the County Planning and Zoning Department and must conform to all on-premises permit requirements if the farm winery intends to allow the consumption of wine in its tasting room; however, there shall be no requirement for a farm winery with a tasting room to maintain kitchen facilities or serve food. Subject to the limitations of M.S. § 340A.301, as it may be amended from time to time, the following uses associated with a premises sampling room may be permitted at a farm winery in the I Industrial or HC Highway Commercial District or as a conditional use in the A-1 Agriculture Protection District, which would include preparation and sale of food:

(a) Display and sale of art and craft items, subject to the limitations specified under the prohibited uses;

(b) Sale of retail products such as glassware, wine literature and accessories, apparel, cheese products, other wine related products such as fruit or vegetables, and items directly related to wine products;

(c) Indoor and outdoor live music between the hours of 12:00 p.m. to 11:00 p.m. Friday, Saturday and Sunday. Outdoor live music is restricted in the A-1 Agricultural Protection District to the hours of 12:00 p.m. and 9:00 p.m. on Friday, Saturday and Sunday;

(d) On-site marketing of wine or distilled spirits, including up to three special events annually and as limited by the special events provisions of the County Unified Development Code;

(e) Preparation and serving of food (restaurant) will be subject to the requirements of the Waseca County Public Health Services Department and will only be allowed as a conditional use and only as related to the Farm Winery operation in the A-1 Agriculture Protection District. Unified Development Code, Article 6 Zoning District Regulations, § 16 Specific Standards for Commercial and Industrial Uses apply as well as related to the farm winery operation in the Districts of A-1 Agricultural Protection, HC Highway Commercial and I Industrial;

(f) Tours;

(g) Retail sale (as licensed for on-sale or off-sale) of wine or distilled spirits fermented and bottled at the farm winery; and

(h) Retail sale of beer (on-sale only with appropriate license).

(5) *Standards*. The following standards shall apply to all farm wineries, including tasting or sampling rooms.

(a) A site plan will be required.

(b) All other applicable licenses and permits shall be obtained from the appropriate agency and maintained in association with the operation of the winery. Copies of current appropriate licenses and/or permits shall be submitted to the County Planning and Zoning Department.

(c) The farm winery shall be located on a minimum parcel size of five acres in the A-1 Agricultural Protection District. In addition in the A-1 AG Protection District, the winery must be located at least 500 feet from any residence other than the owner.

(d) The farm winery must comply with the provisions in the county code of ordinances relating to parking and loading requirements.

(e) The retail sale of wine must comply with state statutes and County Ordinance No. 10 regarding liquor licensing and must be incidental to the primary operation of the farm winery.

(f) The total space for the sale of non-wine related items including food, beverages other than wine, glassware, wine literature and accessories, shall not exceed 20% of the total square footage of the structure of the farm winery.

(g) The subsurface sewage treatment system (SSTS) and all associated components shall be maintained in accordance with MPCA SSTS standards. The SSTS of a farm winery shall be separate from any residential use associated with the property.

(~~NN~~OO) *Industrial waste processing facility*. New industrial wastewater treatment facilities shall be allowed as conditional uses in the A-1 Agriculture Protection District, HC Highway Commercial District and I Industrial District. Industrial wastewater treatment facilities shall comply with the following requirements.

(1) *Site plan*. Site plan review shall be required. Any new industrial wastewater treatment facility shall meet the minimum standards of § 6.15 of the Uniform Development Code providing for general standards for commercial and industrial uses.

(2) *Setbacks*.

(a) Treatment pond to residence: 1,000 feet;

(b) Spray Field to residence: 500 feet;

(c) Treatment pond or spray field to a public right-of-way: 100 feet;

(d) Treatment pond or spray field to a public or private ditch: 100 feet; and

(e) Treatment pond or spray field to any body of water, perennial or intermittent stream, or wetland: 100 feet.

(3) *Access*. If the Planning Commission determines it necessary, the site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(4) *Local, state and federal regulations*. Industrial wastewater treatment facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

(~~OO~~PP) *Solar farms*. Solar farms are the primary land use for the parcel on which the array is located and are distinguished from solar arrays that are an accessory use. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than 100 kilowatts. Solar farms are permitted by conditional use permit and/or by zoning permit.

(1) *Stormwater management and erosion and sediment control*. Stormwater management and erosion and sediment control shall meet the requirements of § 5.04.

(2) *Setbacks*. All solar panels in the array will be considered a principal use and shall be required to meet the setbacks of a principal structure. In addition, other than on the property of an owner, no solar farm shall be located within 500 feet of a residence.

(3) *Foundations*. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

(4) *Other standards and codes*. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State Uniform Building Code, as amended; and the National Electric Code, as amended.

(5) *Power and communication lines*. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Planning and Zoning Administrator in instances where shallow bedrock, watercourses or other elements of the natural landscape interfere with the ability to bury lines.

(6) *Application requirements for conditional use or zoning permit*. A site plan of existing conditions showing the following (any drawing shall be submitted in paper format drawn to scale and in AutoCAD DWG format):

(a) Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties;

(b) Existing public and private roads, showing widths of the roads and any associated easements;

(c) Location and size of any abandoned wells, sewage treatment systems and dumps;

(d) Existing buildings and any impervious surface;

(e) Topography at two-foot intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required;

(f) Existing vegetation (list type and percent of coverage; i.e., grassland, plowed field, wooded areas and the like);

(g) Waterways, watercourses, lakes and public water wetlands;

(h) Delineated wetland boundaries;

(i) The 100-year flood elevation and regulatory flood protection elevation, if available;

(j) Floodway, flood fringe and/or general floodplain district boundary, if applicable;

(k) The Shoreland District boundary and the appropriate shoreland setback, if any portion of the project is located in a Shoreland Overlay District;

(l) Mapped soils according to the county soil survey;

(m) Surface water drainage patterns;

(n) In the shoreland overlay district, the ordinary high water level and the highest known water level; and

(o) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries.

(7) *Site plan of proposed solar farm*. The following information shall be provided to the Planning and Zoning Department prior to issuance of the conditional use permit or zoning permit (any drawing shall be submitted in paper format drawn to scale and in AutoCAD DWG format):

(a) Location and spacing of solar panels;

(b) Location of access roads;

(c) Location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load;

(d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm; and

(e) Proposed erosion and sediment control measures and proposed stormwater management measures as required in Article 5 of this ordinance.

(8) *Large ground-mounted systems*. Ground-mounted solar systems that result in the creation of one or more acres of impervious surface must comply with § 5.04. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).

(9) *Manufacturer's specifications*. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;

(10) The number and size of the panels to be installed;

(11) A description of the method of connecting the array to a building or substation;

(12) A copy of any easement required to cross private property or any permit to use any public right-of-way to connect the project to the utility grid or substation.

(13) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;

(14) Contractor's name and license number;

(15) Contractor certificate of liability insurance; and

(16) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of state law and the requirements of the county solid waste ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning in an amount equal to the estimated cost to restore the site if the use is discontinued.

(~~PP~~QQ) *Standards for solar energy systems, accessory*. Solar energy systems are a permitted accessory use requiring a zoning permit in all zoning districts, subject to the following standards.

(1) *Accessory building limit*. Solar systems, either roof- or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits.

(2) *Height*. Active solar systems are subject to the following height requirements:

(a) Building or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.

(b) Ground or pole-mounted solar systems shall not exceed 15 feet in height when oriented at maximum tilt if the system is located between the accessory structure setback and the principal structure setback; and shall not exceed 25 feet maximum tilt if the system meets the principal structure setback from the zoning district.

(3) *Location within lot*. Solar systems must meet the accessory structure setback for the zoning district.

(4) *Roof-mounted solar systems*. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

(5) *Ground-mounted solar systems*. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

(6) *Large ground-mounted systems*. Ground-mounted solar systems that result in the creation of one or more acres of impervious surface must comply with § 5.04.

(7) *Maximum coverage*. Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are

mounted. The total collector surface area of pole or ground mount systems outside of the Agriculture Protection District shall not exceed 1% of the lot area. Pole or ground mounted systems must meet the impervious surface requirements of the underlying district in which the system is located or have a stormwater management plan and meet the erosion and sediment control requirements of § 5.04.

(8) *Approved solar components*. Electric solar system components must have an Underwriters Laboratory (UL) listing.

(9) *Compliance with State Electric Code*. All photovoltaic systems shall comply with the State Electric Code.

(10) *Utility notification*. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Zoning Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(Ord. 97, passed 7-21-2009; Ord. 108, passed 3-5-2013; Ord. 111, passed 10-1-2013; Ord. 112, passed 1-7-2014; Ord. 113, passed 4-15-2014; Ord. 117, passed 6-17-2014; Ord. 127, passed 11-7-2017; Ord. 138, passed 9-3-2019; Ord. 141, passed 5-5-2020; Ord. 152, passed 10-18-2022; Ord. 158, passed 10-1-2024)

§ 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);

(44) Agritourism;

(45) Agricultural Direct-Market Business;

(46) Cannabis Retail; and

(~~44~~47) 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;

(20) Cannabis Cultivation;

(21) Cannabis Manufacturer;

(22) Hemp Manufacturer

(23) Cannabis Wholesale; and

(24) Cannabis Transportation.

(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 including 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 fight 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;

(~~34~~36) Permitted uses in the HC Highway Commercial District; and

(~~35~~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;

(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;

(18) Cannabis Cultivation;

(19) Cannabis Manufacturer;

(20) Hemp Manufacturer;

(21) Cannabis Wholesale; and

(22) Cannabis Delivery.

(~~18~~23) 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;

(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;

(20) Office services;

(21) 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;

(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;

(27) Cannabis Retail; and

(~~27~~28) 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;

(26) Sober House;

(27) Cannabis Retail; and

(28) 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;

(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

(~~23~~24) 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:

(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.

Lake Class	***Natural Environment***	***Recreational Develop.***	***General Develop.***
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.

Stream Class	***Agricultural***	***Tributary***
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*.

Lake Class	***Natural Environment***	***Recreational Develop.***	***General Develop.***
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
From road right-of-way edge of a private road	25 feet	25 feet	25 feet
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		

(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
From road right-of-way edge of a private road	25 feet
Maximum impervious surface coverage	15% of lot area
Maximum height of principal and accessory	See primary zoning
~~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").~~

~~(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.~~

(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").

(~~5~~4) *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.

(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.

(~~6~~5) *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.

(~~7~~6) *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.

(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.

(~~8~~7) *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.

(~~9~~8) *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.

(~~10~~9) *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.

(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:

Class or District	***Width (maximum distance in feet parallel to shore)***	***Length (feet)***
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.

(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.

(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.

(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

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.

(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 ese of vegetative cover or other methods as soon as possible.

(~~a~~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.

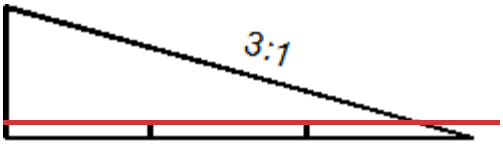
RUNWAY. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft. The existing and planned runways at the Waseca Municipal Airport define the land use and airspace surfaces protected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

Runway End	***Latitude***	***Longitude***
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)	N44º 04' 34.01"	W93º 33' 01.22"
Note: Coordinates are NAD83		

—

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.

(~~D~~C) *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~~C)(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~~C)(2), no use shall be made of any land in any of the safety zones defined in (~~E~~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~~C)(2) and to the general restrictions contained in (~~E~~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~~C)(2), and to the general restrictions contained in (~~E~~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:

Table 6.8 Maximum Ground Area and Population			
Lot Size	***Ratio***	***Building Plot Area***	***Maximum Site Population***
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~~D)(2), and to the general restrictions contained in (~~E~~D)(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~~E) *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~~F) *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~~G) *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.

(~~I~~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.

(~~I~~J) *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.

(~~J~~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.

(~~K~~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.

(~~L~~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.

(~~N~~M) *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.

(~~O~~N) *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.

(~~P~~O) *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.

(~~Q~~P) *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.

(~~R~~Q) *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.

Table 6.9 Properties Impacted by Airport Overlay District		
This ordinance affects all or a portion of the following sections of land:		
	Type of Airport Zoning	
Name and Number of Township	***Airspace Obstruction Zoning: Section IV of Ordinance; Page(s) B1 of Zoning Map***	***Land Use Safety Zoning: Section V of Ordinance; Page(s) B2, B3 & B4 of Zoning Map***
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;

(~~p~~q) Two-sided electronic message center advertising signs of 40 square feet or less per side; and

(r) Sober House.

(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.

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

(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 five (5) ~~top ground buildable~~ acres; and

(b) Two-family dwelling: minimum eight (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.

Table 6.10 Summary of Allowed and Conditional Uses

	Zoning District					
Land Use	***A-1: Agricultural***	***LR: Limited Residential***	***UE: Urban Expansion***	***VMX: Village Mixed Use***	***HC: Highway Commercial***	***I: General Industrial***
Accessory Uses and Structures						
Family daycare	P	P	P	P		
Group family daycare	P	P	P	P		
Keeping of animals other than household pets (non-farm)	C					
Kennels, ~~private~~commercial	C	C		C		P
Outdoor display	C		C	C	C	P
Parking facility				P	P	P

Solar ~~equipment~~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
Agricultural, Natural Resources and Related						
Agriculture	P	P	P			P
Agricultural chemicals, fertilizer sales	C			C	P	P
Agriculturally-oriented business	C			P	P	P
Agritourism	C	C			P	P
Agricultural Direct-Market	C (>25% products produced off-site) P (<25% products produced off-site)				P	P

Agricultural Equipment Sale	C					
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			
Commercial Recreation						
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	
Commercial Sales and Service						
Adult uses					C	P
Airport, heliport, aircraft rental, sale, servicing,	C					P

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
Cannabis Cultivation	C				C	C
Cannabis Delivery	C (up to 5 vehicles)					C
Cannabis Manufacturer	C				C	C
Cannabis Wholesale					C	C
Cannabis Retail			C	P		
Cannabis Transportation	C				C	C

Convenience gas and goods sales				P	P	C
Convention center, exhibit hall					P	
Flea market, auction site			P		P	P
Hemp Manufacturer	C				C	C
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 [1]			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 [2]			C	P	P	
Shopping center					P	
Tavern, club				C	P	
Veterinary and animal clinic and facilities for the care and/or	C		C	C	P	C

breeding of animals including kennel						
Water-oriented commercial business					C	
Industrial						
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 houses3						P
Landfill (sanitary), recycling facility	C					C
Manufacturing-limited, including light assembly and packing4						P
Manufacturing, general5						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
Institutional, Educational and Civic						
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
Other Uses						
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					

Residential and Related						
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		
Sober House	P	P	P	P		

[1] 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.

[2] 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.

[3] Industrial sales establishment includes: dental instruments and supplies; medical and surgical instruments and supplies; precision instrument sales; sign contractor and welding supply.

[4] 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.

[5] 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) *Variances*. 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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

CANNABIS CULTIVATION. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. Harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

CANNABIS RETAIL BUSINESSES. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

CANNABIS RETAILER. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

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.

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.

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.

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.

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.

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. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

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.

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.

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.

ETHYL ALCOHOL. A colorless, flammable liquid produced by fermentation of sugars ($CH_3 CH_2 OH$).

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.

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).

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.

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.

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.

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.

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.

SIC Code(s)	***Industry Category***
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.

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

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.

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.

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.

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.

LOWER-POTENCY HEMP EDIBLE: As defined under Minn. Stat. 342.01 subd. 50.

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.

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.

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.

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 aiport 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.

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

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 OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management.

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."

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.

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

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.

PLACE OF PUBLIC ACCOMMODATION. In relation to adult-use cannabis, place of accommodation is defined at a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

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.

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.

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.

PUBLIC PLACE. A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

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.

RESIDENTIAL TREATMENT FACILITY. As defined under Minn. Stat. 245.462 subd. 23.

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 REGISTRATION. An approved registration issued by the County to a state licensed cannabis retail business.

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.

RIDING ACADEMY. An establishment where horses are boarded and cared for, and where instruction, riding, jumping and showing is offered, and where horses may be hired for riding.

RIPARIAN. Land contiguous to the bank of a steam, the shore of a lake or the edge of a wetland.

ROAD. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designed as a street, highway, parkway, road, avenue, boulevard, lane, service road, place or however otherwise designed. Acceptance of a road for maintenance purposes by a unit of government is not necessary for designation as a ***ROAD***.

ROAD, PRIVATE. An unplatted access to more than one lot or parcel, including leased or rental properties where public access is limited.

(ROAD) RIGHT-OF-WAY. Any United States, county, municipal or township highway or road including any shoulder and drainage alongside the road.

ROTOR DIAMETER. The diameter of the circle described by the moving rotor blades.

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:

Runway End	***Latitude***	***Longitude***
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		

SATURATED SOIL. The highest elevation in the soil where all voids were filled with water, as evidenced by the presence of soil mottling or other information.

SALVAGE YARD. A lot or portion thereof where waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building.

SCHOOL. An institution other than a trade school that provides educational instruction to students.

SCHOOL. In relation to adult use cannabis, a public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

SCHOOL, TRADE. A non-parochial and non-public school for teaching industrial skills in which machinery is employed as a means of instruction.

SEASONAL PRODUCE STAND. Seasonal sales of agricultural and other farm-related products, the majority of which are locally produced.

SETBACK. The minimum horizontal distance between a structure or a sewage treatment system and the nearest specified lot line, sewage treatment system, road centerline, abutting property, ordinary high water level of a lake or stream, top of bluff or other entity.

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.

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.

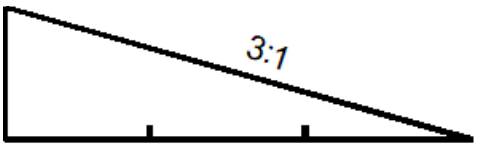
SIGN, NAMEPLATE. Any sign that indicates the name and address of a building or the name of the occupant thereof and the practice of a permitted occupation therein.

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.



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: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;

(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.

STATE LICENSE. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

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.

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

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: $cBOD_5$ < 15 mg/L; TSS < 15 mg/L; fecal coliforms < 1,000/100 mL.

(2) Level B: $cBOD_5$ < 25 mg/L; TSS < 30 mg/L; fecal coliforms < 10,000/100 mL.

(3) Level C: $cBOD_5$ < 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.

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.

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.

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; Ord. 158 passed 10-1-2024)

EXHIBIT B

WASECA COUNTY PLANNING COMMISSION PUBLIC HEARING SCHEDULE FOR UDC REVIEW

ARTICLE	SECTIONS	SUBSECTIONS TO BE REVISED	DATE OF PUBLIC HEARING	LINK TO PLANNING COMMISSION REPORT
2 NONCONFORMITIES AND LOTS OF RECORD	2.07 Shoreland Nonconformities	(B)(2)	August 1	8/1/24PC Report Link Amendment Link
3 DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS	3.02 Zoning Permits	(B)(4); (C)(9)		
	3.03 Amendments/Rezoning	(B)(7); (F)(1)		
	3.04 Required Setback	Title revision; (B)(6)		
	3.05 Site Plans	(B)		
	3.06 Subdivision Regulations	(C)(7)(d); (C)(9)		
	3.07 Conditional Use Permits	(C)(7); (D)(6)		
	3.08 Variances and Appeals	(F)(7); (K)(2)		
	3.09 Special Events Permit	(D)(g); (E)(p)		
4 GENERAL REGULATIONS	4.01 General Provisions	(C)		
	4.02 General Regulations for Structures	(F)		
	4.12 Sign Regulations	(B)		
	4.13 Extraction of Material and Minerals, Open Pits and Impounding of Waters	(A)		
6 ZONING DISTRICT REGULATIONS	6.01 Districts and District Boundaries	(B)(1)		
	6.02 Allowed and Conditional Land Uses	(E); (F)(6)		
6 ZONING DISTRICT REGULATIONS	6.16 Specific Standards for Commercial and Industrial Uses	A whole new subsection	September 5	9/5/24 PC Report Link Amendment Link
5 GENERAL ENVIRONMENTAL REGULATIONS	5.02 Subsurface Sewage Treatment Systems		October 3	10/3/24 PC Report Link Amendment Link
	5.03 Sanitary Provisions			
	5.04 Stormwater Management and Sediment and Erosion Control	(A); (B); (G)(1); (H); (I)(7)		
	5.05 Buffer Code	(B) Title revision and move definitions to 8.03		

6 ZONING DISTRICT REGULATIONS	6.06 Feedlot Ordinance		November 7	11/7/24 PC Report Link Amendment Link
6 ZONING DISTRICT REGULATIONS	6.07 Specific Standards for Agricultural, Natural Resource and Related Uses	(C)(7); (G)(4); (G)(8)	December 5	12/5/24 PC Report Link Amendment Link
	6.08 A-1 Agricultural Protection District Standards	(A)(1); (B); (C); (D); (E); (F)		
	6.09 Transfer of Development Rights (TDR)	(A)(2); (B)(2)		
	6.11 Specific Standards for Residential and Related Uses	(E)(1)(c)(2)		
	6.13 Specific Standards for Institutional and Civic Uses	(A)(2); (C)(2)		
	6.14 LR Limited Residential District	(B) through (G)		
	6.15 General Standards for Commercial and Industrial Uses	(E)(1)(a)		
	6.16 Specific Standards for Commercial and Industrial Uses	(B)(6)(h); (H)(5)(a); (H)(5)(b); (K)(2)(a)		
6 ZONING DISTRICT REGULATIONS	6.17 HC Highway Commercial District Standards	(B); (E)(4)	January 2, 2025	1/2/25 PC Report Link Amendment Link
	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)		
	6.23 FO Floodplain Overlay District Standards	(B)(1)		
	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		