

**WASECA COUNTY PLANNING COMMISSION  
SCHEDULE FOR UDC REVIEW**

ARTICLE	SECTIONS	SUBSECTIONS TO BE REVISED	PAGE NUMBERS	DATE OF PUBLIC HEARING
2 NONCONFORMITIES AND LOTS OF RECORD	2.07 Shoreland Nonconformities	(B)(2)	1	August 1
	3 DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS	3.02 Zoning Permits	(B)(4) (C)(9)	
3.03 Amendments/Rezoning		(B)(7) (F)(1)	4 5	
3.04 Required Setback		Title revision (B)(6)	5 7	
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Additions are in red with subtractions ~~struck~~

## WASECA COUNTY, MINNESOTA UNIFIED DEVELOPMENT CODE

### 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

#### § 2.07 SHORELAND NONCONFORMITIES.

(B) *Nonconforming subsurface sewage treatment systems.*

(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)

Commented [MQ1]: Proposed addition to 2.07(B)(2)

## 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

### § 3.02 ZONING PERMITS.

(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.*

(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.

**Commented [MQ2]:** Proposed addition to 3.02(B)(4)

**Commented [MQ3R2]:** Reason: The County Board establishes the fee schedule beginning of each year and the amount is subject to change by the County Board Resolution

(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.

(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.

**Commented [MQ4]:** Proposed changes to (3.02)(C)(9)

**Commented [MQ5R4]:** The process is administrative in nature similar to zoning permits so the Planning Commission doesn't have to be in the known unless it's absolutely necessary

**Commented [MQ6]:** Proposed change to 3.03(B)(7)

**Commented [MQ7R6]:** Reason: Staff usually communicates with the Area Hydrologist in cases where the DNR is involved

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

(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 ~~PERMIT APPLICATION PROCESSING TIMELINE PROTOCOL REQUIRED SETBACK.~~**

(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

**Commented [MQ8]:** Proposed changes to 3.02(F)(1)

**Commented [MQ9R8]:** Reason: Currently no application form for similar use determination. The current process is a request via the Zoning Administrator. The proposed change will reflect the current process

**Commented [MQ10]:** Proposed Title Change to 3.04

**Commented [MQ11R10]:** Reason: The section entails processing protocols and has nothing to do with setbacks

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.

<b>Table 3.1 Permit Application Processing Timeline Protocol</b>	
Animal feedlot: 10 AU - 49 AU	<p>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.</p> <p>As per zoning ordinance, a structure shall be completed within one year of issuance of the zoning permit.</p>
Animal feedlot: 50 AU- 999 AU	<p>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.</p> <p>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.</p> <p>As per zoning ordinance; a structure shall be completed within one year of issuance of the zoning permit.</p>
Animal feedlot: > 1000 AU	<p>A feedlot required to complete an environmental review shall notify the zoning office in writing at the time of submission to the MPCA.</p> <p>Within 30 days of the completion of the environmental review the applicant shall submit an application for site team or conditional use process.</p> <p>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.</p> <p>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.</p> <p>As per zoning ordinance, a structure shall be completed within one year of issuance of the zoning permit.</p>
Residential subdivision and plat; as approved by the County Board	<p>Setbacks: Any setback shall be calculated from the buildable area of a lot until a residential structure is physically located upon the lot(s).</p>
Residential subdivision and plat; application process	<p>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</p>

	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.

**Commented [MQ12]:** Proposed change to 3.04(B)(6)(a)(1)

**Commented [MQ13R12]:** Reason: This change will reflect other sections of the UDC and provide a standard practice.

(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.

### § 3.05 SITE PLANS.

(B) *Site plan requirements.* Whenever this ordinance requires submission of a site plan the applicant shall submit ~~15~~ ~~one (1)~~ paper copies 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.

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

### § 3.06 SUBDIVISION REGULATIONS.

(C) *Design standards.*

(7) *Stormwater management facilities.*

(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 adequately accommodate the post-development stormwater runoff. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

**Commented [MQ14]:** Proposed to be removed

**Commented [MQ15R14]:** Reason: The Department currently accepts online permit applications, which makes it easier to determine a reasonable order in which applications were submitted or received.

**Commented [MQ16]:** Proposed change to 3.05(B)

**Commented [MQ17R16]:** Reason: To reduce paper usage, only one paper copy is needed

**Commented [MQ18]:** Proposed to be removed since SCS doesn't review drainage issues

(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.

(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 Area Hydrologist within ten days of approval by the county.

### § 3.07 CONDITIONAL USE PERMITS.

(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.

**Commented [MQ19]:** Proposed Addition to 3.06(C)(9)

**Commented [MQ20R19]:** Reason: Staff usually communicate with the Area Hydrologist in cases where the DNR is involved

**Commented [MQ21]:** Proposed revision to 3.07(C)(7)

**Commented [MQ22R21]:** Reason: Staff usually communicate with the Area Hydrologist when the DNR is involved

(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.

**Commented [MQ23]:** Proposed revision to 3.07(D)(6)

**Commented [MQ24R23]:** Reason: Staff usually communicate with the Area Hydrologist when the DNR is involved.

**§ 3.08 VARIANCES AND APPEALS.**

(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 ~~Commissioner~~ respective Department of Natural Resources Area Hydrologist at least ten days prior to any hearing dealing with an application for a variance within a Shoreland Overlay District.

**Commented [MQ25]:** Proposed revision to 3.08(F)(7)

**Commented [MQ26R25]:** Reason: Staff usually communicate with the Area Hydrologist when the DNR is involved.

(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 ~~Commissioner~~ respective Department of Natural Resources Area Hydrologist within ten days of the final decision.

**Commented [MQ27]:** Proposed changes to 3.08(K)(2)

**Commented [MQ28R27]:** Reason: Staff usually communicate with the Area Hydrologist when the DNR is involved.

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

### **§ 3.09 SPECIAL EVENTS PERMIT.**

(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.*

Commented [MQ29]: Proposed change 3.09(D)(g)

Commented [MQ30R29]: Reason: This is a requirement by Statute

(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;

Commented [MQ31]: Proposed addition to 3.09(E)(p)

**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.**

(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; and

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

~~(g)~~ 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.~~

**Commented [MQ32]:** Proposed to be removed from 4.01(C)

**Commented [MQ33R32]:** The County does not require a separate permit for wetland alteration when the WCA process is involved

**Commented [MQ34]:** Renumbered since 4.01(C)(f) was removed

~~(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.

(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)

#### § 4.04 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

**Commented [MQ35]:** Proposed to be removed.

**Commented [MQ36R35]:** Reason: This is a repetition of 3.02(A)(2)

**Commented [MQ37]:** Proposed addition to 4.02(F)

**Commented [MQ38R37]:** Reason: If the accessory structure is constructed first, it is deemed the principal structure until a principal structure is constructed

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)

**§ 4.12 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.~~

~~(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.

**Commented [MQ39]:** Proposed to be removed from 4.12(B)

**Commented [MQ40R39]:** Reason: The definitions are moved to 8.03 in order to have all UDC definitions in one place

**Commented [MQ41]:** Renumbered due to deletion of (B) above

(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.

**Commented [MQ42]:** Added 10 for ease of interpretation.

(14) No sign shall be permitted within ~~ten (10)~~ feet of any road or highway right-of-way.

**Commented [MQ43]:** Added 10 for ease of interpretation.

(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.

~~(BC)~~ *Temporary signs.*

**Commented [MQ44]:** Renumbered

(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.

**(ED)** *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.

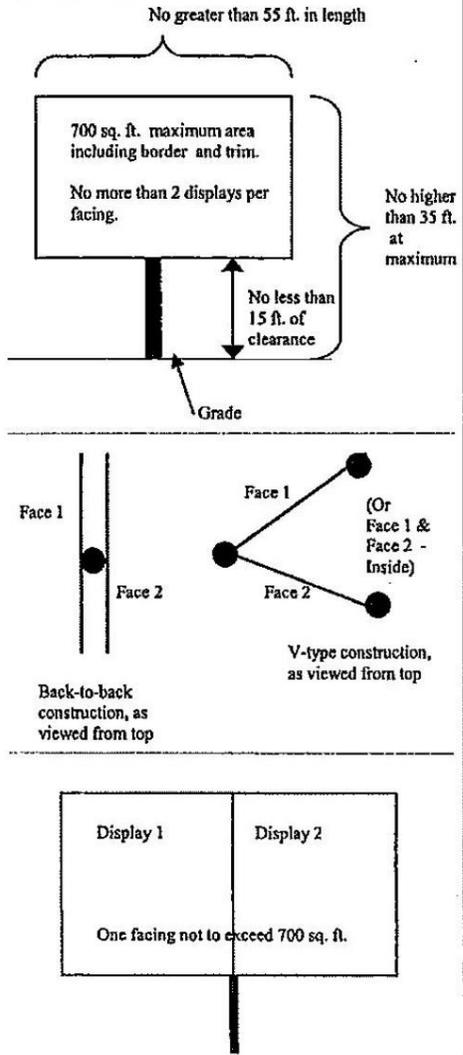
(9) No off-site sign shall be painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.

Commented [MQ45]: Renumbered

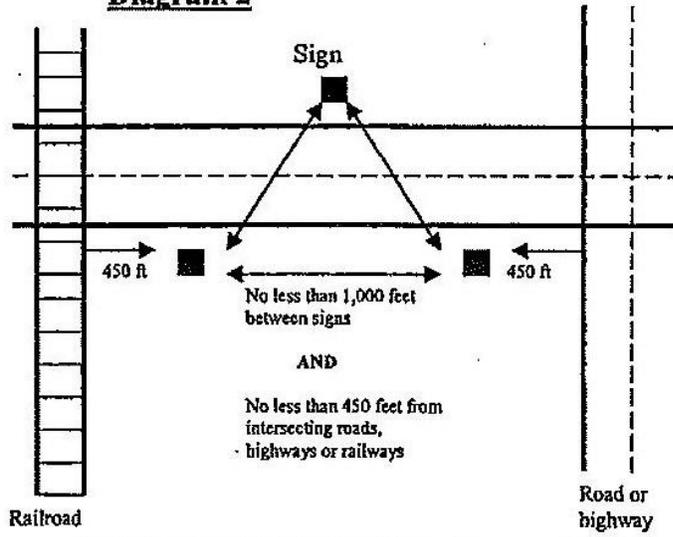
Commented [MQ46]: Added 10 for ease

Figure 4.1 Setback and Location Requirements for Off-Site Signs

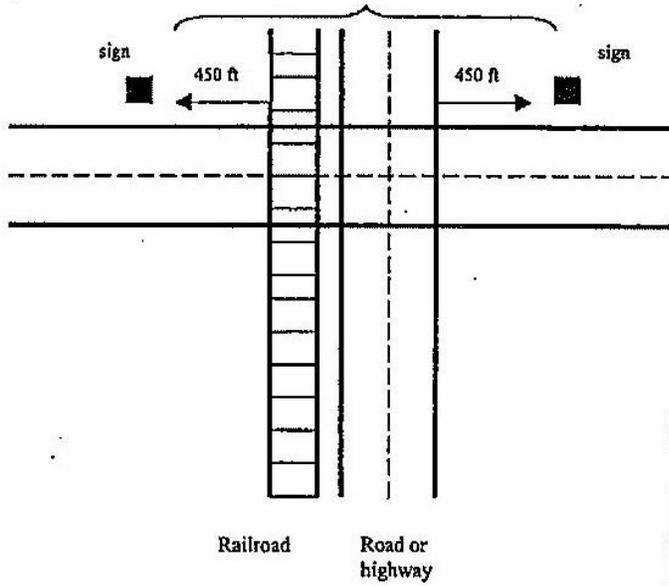
**Diagram 1**



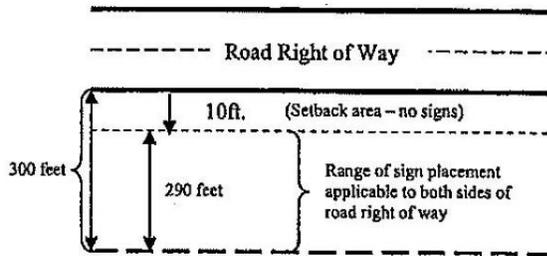
**Diagram 2**



\*Note 1000 ft between signs must be maintained



**Diagram 3**



**(FE)** *Signs on residential property.* Signs on residential property in all zoning districts are subject to the following regulations:

Commented [MQ47]: Renumbered

- (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.

Commented [MQ48]: Added 10 for ease of interpretation

**(SE)** *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:

Commented [MQ49]: Renumbered

- (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.

~~(HC)~~ *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.

~~(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.

**Commented [MQ50]:** Added 10 for ease of interpretation

**Commented [MQ51]:** renumbered

~~(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 exempted 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)

**Commented [MQ52]:** Proposed to be removed under 4.13

**Commented [MQ53R52]:** Reason: Moved to 8.03 to have all definitions in one place

**Commented [MQ54]:** Renumbered

## ARTICLE 6: ZONING DISTRICT REGULATIONS

Section

### General Provisions

[6.01](#) Districts and district boundaries

[6.02](#) Allowed and conditional land uses

#### § 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.

(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

**Commented [MQ55]:** Proposed to be removed.

**Commented [MQ56]:** Proposed addition. Summary table of permitted and conditional uses can be found in Section 6.26

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.

**Commented [MQ57]:** Proposed revision to 6.02(E)

**Commented [MQ58R57]:** Reason: Summary table of permitted and conditional uses can be found in Section 6.26

**Commented [MQ60R59]:** Table information is proposed to be included in Section 6.26

**Table 6.1 Other Uses and Accessory Uses**

<b>Other Uses</b>	<b>A-1 Agriculture</b>	<b>LR Limited Residential</b>	<b>UE Urban Expansion</b>	<b>VMX Village Mixed Use</b>	<b>HC Highway Commercial</b>	<b>I- General Industrial</b>
Antennas for radio, television and communication facilities	E					E
Essential services, facilities and structures	E	E	E	E	E	E
Railroad right-of-way, but not including railroad yard	P	P	P	P	P	P
Wind farm	E					
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)	E					
Kennels, private	E	E		E		P
Outdoor display	E		E	E	E	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	E	P	P	P	
Wind turbine, accessory	P	P	P	P	E	E
Other accessory uses and structures that are incidental to the principal use including sheds and garages	P	P	P	P	P	P

Commented [MQ59]: Table 6.10 proposed to be removed.

(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~~

Commented [MQ61]: Proposed to be removed

(Ord. 97, passed 7-29-2009)