

Zoning Ordinance Dodge County, Minnesota

TABLE OF CONTENTS

	<i>Page</i>
Chapter 1 – Purpose Authority and Jurisdiction.....	1-1
1.1 Title	1-1
1.2 Purpose	1-1
1.3 Satutory Authorzation	1-2
1.4 Jurisdiction	1-2
1.5 Scope & Compliance	1-2
Chapter 2 – General Provisions.....	2-1
2.1 Abrogation and Greater Restrictions	2-1
2.2 Severability	2-1
2.3 Interpretation	2-1
2.4 Uses Not Listed Are Prohibited	2-3
2.5 Existing Government Owned Lands and Public Facilities	2-3
Chapter 3 – Land Description and Surveys.....	3-1
3.1 Purpose	3-1
3.2 Scope	3-1
3.3 Certifcate of Survey	3-1
3.4 Administration	3-4
3.5 Violations, Permit Action, & Enforcement	3-5
Chapter 4 - Rules and Definitions.....	4-1
Chapter 5 - General Zoning District Rules of Application	5-1
5.1 Establishment of Zoning Districts	5-1
5.2 Official Zoning Map	5-1
5.3 Primary Zoning District	5-1
5.4 Overlay Districts	5-1
5.5 Interpretation of Zoning Maps	5-6
5.6 Appeals of District Boundaries	5-7
Chapter 6 – Nonconformites	6-1
6.1 Purpose	6-1
6.2 Public Nuisances & Detrimental Nonconformities	6-1
6.3 Nonconforming Uses	6-2
6.4 Nonconforming Structures	6-3
6.5 Nonconforming Lots	6-6

6.6	Nonconforming with Feedlot Setback (Reciprcoal process and setback siting)	6-7
Chapter 7 –Hamlet District (H).....		7-1
7.1	Purpose	7-1
7.2	Permitted Uses	7-1
7.3	Conditional Uses	7-2
7.4	Interim Uses	7-2
7.5	Performance Standards	7-2
Chapter 8 - Agricultural District (A).....		8-1
8.1	Purpose	8-1
8.2	Agricultural Covenant (Ag Covenant)	8-1
8.3	Permitted Uses	8-1
8.4	Conditional Uses	8-2
8.5	Interim Uses	8-3
8.6	Performance Standards	8-4
Chapter 9 – Closed Landfill Restricted District (CLR).....		9-1
9.1	Purpose	9-1
9.2	Permitted Uses	9-3
9.3	Accessory Uses	9-4
9.4	Conditional Uses	9-4
9.5	Prohibited Uses and Structures	9-4
9.6	General Regulations	9-4
9.7	Amendments	9-5
Chapter 10 - Urban Expansion District (X).....		10-1
10.1	Purpose of Urban Expansion District	10-1
10.2	Existing Uses	10-1
10.3	Proposed Land Uses	10-1
10.4	Permitted Uses in the Urban Expansion District	10-1
10.5	Conditional Uses	10-2
10.6	Interim Uses	10-3
10.7	District Performance Standards	10-3
Chapter 11 - Rural Residential District (R).....		11-1
11.1	Purpose	11-1
11.2	Permitted Uses	11-1
11.3	Conditional Uses	11-1
11.4	Interim Uses	11-1
11.5	District Performance Standards	11-1
Chapter 12 - Commercial District (C).....		12-1
12.1	Purpose	12-1
12.2	Permitted Uses	12-1
12.3	Conditional Uses	12-1

12.4	Interim Uses	12-2
12.5	District Performance Standards	12-2
Chapter 13 - Industrial District (I)		13-1
13.1	Purpose	13-1
13.2	Permitted Uses	13-1
13.3	Conditional Uses	13-1
13.4	Interim Uses	13-2
13.5	District Performance Standards	13-2
Chapter 14 - Shoreland Overlay District		14-1
14.1	Statutory Authorization	14-1
14.2	General Provisions	14-1
14.3	Shoreland Overlay Districts (SH)	14-2
14.4	Special Land Use Provisions	14-7
14.5	Dimensional and General Performance Standards	14-9
14.6	Performance Standards for Public and Private Facilities	14-12
14.7	Vegetation and Land Alterations	14-14
14.8	Stormwater Management	14-18
14.9	Nonconformities in the Shoreland Overlay district	14-19
14.10	Subdivision/Platting Provisions	14-21
Chapter 15 - Flood Plain Overlay District “FP”		15-1
15.1	Statutory Authorization and Purpose	15-1
15.2	General Provisions	15-1
15.3	Establishment of Floodplain Districts	15-2
15.4	Requirements for All Floodplain Districts	15-3
15.5	Flooway (FW)	15-4
15.6	Flood Frings (FF)	15-7
15.7	General Floodplain District (GF)	15-12
15.8	Subdivision Standards	15-13
15.9	Utilities, Railroads, Roads, and Bridges	15-14
15.10	Manufactured Homes and Recreational Vehicles	15-15
15.11	Administration	15-16
15.12	Nonconformities	15-21
15.13	Violations and Penalties	15-22
15.14	Amendments	15-22
Chapter 16 – Performance Standards		16-1
16.1	Purpose	16-1
16.2	General Standards for All Uses	16-1
16.3	Accessory Buildings	16-2
16.4	Accessory Structures	16-3
16.5	Adult Uses	16-4
16.6	Advertising Signs (Billboards & Other Off-Premise Advertising)	16-8
16.7	Agriculturally Oriented Business & Agritourism Activities	16-9
16.8	Airports	16-11

16.9	Aquaculture	16-11
16.10	Biofuel Processing, Distillation or Refining	16-12
16.11	Campgrounds & Recreational Vehicle - RCA	16-13
16.12	Cemeteries	16-15
16.13	Churches & Other Places of Worship	16-16
16.14	Concrete (Ready Mix) or Asphalt Mixing Facility	16-16
16.15	Daycare	16-18
16.16	Demolition Debris Land Disposal Facility	16-19
16.17	Solid Waste Transfer Stations	16-21
16.18	Drive-In Facilities (Drive Up Businesses)	16-23
16.19	Dwelling Units – Single Family Primary	16-24
16.20	Dwelling Units – Temporary Second	16-27
16.21	Essential Services	16-30
16.22	Excavation or Impoundment To Create Open Water	16-46
16.23	Fairgrounds	16-47
16.24	Feedlots & Pastures	16-48
16.25	Food and Beverage Services Establishments	16-51
16.26	Golf Courses	16-52
16.27	Government Administration and Service Buildings	16-53
16.28	Greenhouses, Horticulture and Nurseries	16-54
16.29	Gun Clubs and Shootin Ranges	16-54
16.30	Home Occupations	16-55
16.31	Junk and Salvage Operations	16-57
16.32	Kennels	16-60
16.33	Land Treatment Sites	16-62
16.34	Limited Rural Business	16-63
16.35	Lodging Establishments	16-64
16.36	Manufacturing, Fabrication and Other Industrial	16-66
16.37	Migrant and/or Seasonal Worker Camps	16-68
16.38	Mining – Nonmetallic	16-70
16.39	Motor Vehicle Repair/Service	16-77
16.40	Outdoor Sales and Display – (Consignment Lots)	16-78
16.41	Reserved for Future Use	16-78
16.42	Public Recreational Lands and Trails	16-78
16.43	Schools – Accessory Use	16-80
16.44	Services Station and/or Convenience Store (Including Fuel Dispensing Stations)	16-81
16.45	Solar Energy Systems, Accessory	16-83
16.46	Solar Energy Farms	16-86
16.47	Stores (Retail, Grocery, Dry Goods or Similar)	16-92
16.48	Temporary Storage or Operation of Equipment	16-93
16.49	Towers, Satellite Arrays & Antennas	16-94
16.50	Warehousing, Storage, Distribution and Wholesale Facilities	16-101
16.51	Wind Energy Conversion Systems (WECS)	16-102
Chapter 17 – General Development Standards.....		17-1
17.1	Purpose and Application	17-1

17.2	Access and Driveways	17-1
17.3	Buildable Area	17-2
17.4	Buildable Lots/Parcels	17-3
17.5	Bulk Storage (Chemicals and Hazardous Liquids)	17-6
17.6	Burning and Burn Barrels	17-7
17.7	Density – Dwelling	17-8
17.8	Drinking Water Supply Management Areas (DWSMAS)	17-8
17.9	Encroachments	17-9
17.10	Environmental Hazards	17-9
17.11	Erosion Prevention & Sediment Control	17-10
17.12	Exterior Storage	17-15
17.13	Fences	17-16
17.14	Accessibility Code (ADA)	17-17
17.15	Keeping of Animals	17-17
17.16	Lighting/Glare	17-18
17.17	Loading Spaces	17-18
17.18	Lot Size Reduction	17-19
17.19	Nuisances and General Health, Safety and Welfare Standards	17-19
17.20	Wood-Fired Furnaces & Appliances	17-22
17.21	Parking	17-23
17.22	Screening	17-26
17.23	Sewage Treatment	17-27
17.24	Signs	17-27
17.25	Steep Slopes	17-34
17.26	Stormwater Management	17-35
17.27	Swimming Pools/Swimming Ponds	17-42
17.28	Traffic Visibility	17-44
17.29	Trash/Recycling Enclosures	17-44
17.30	Trees and Shrubs	17-44
17.31	Wells	17-45
17.32	Wetlands	17-45
17.33	Enhanced Groundwater Sensitivity Area (EGSA)	17-46
Chapter 18 - Administration.....		18-1
18.1	Authority For Administration	18-1
18.2	Zoning Administrator	18-1
18.3	Board of Adjustment (BOA)	18-2
18.4	Planning Commission	18-3
18.5	Other Committees & Advisory Board	18-6
18.6	Environmental Review	18-6
18.7	Public Hearings	18-8
18.8	Appeals	18-13
18.9	Amendments	18-17
18.10	General Provisions For All Land Use Permits and Approvals	18-21
18.11	Variances	18-22
18.12	Zoning Permit	18-29
18.13	Conditional Use Permits	18-32

18.14	Interim Use Permits	18-41
18.15	Animal Feedlot Registration & Permits	18-43
18.16	Shoreland Alteration Permits	18-44
18.17	Septic Permit (SSTS)	18-47
18.18	Septic (SSTS) Operating Permit	18-50
18.19	Septic (SSTS) Management Plans	18-53
18.20	Driveway / Access Permit	18-54
18.21	Removal Permit-Dilapidated Dwelling Unit	18-54
18.22	Other Permits, Licenses and Approvals	18-56
Chapter 19 - Enforcement.....		19-1
19.1	Purpose	19-1
19.2	Violations	19-1
19.3	Administration	19-1
19.4	Violation A Misdemeanor	19-1
19.5	Remedies	19-1
19.6	Fines	19-2
Chapter 20 – Subdivision Regulations.....		20-1
20.1	Purpose	20-1
20.2	Jurisdiction & Scope	20-2
20.3	Statutory Authorizations	20-2
20.4	General Requirements	20-2
20.5	Compliance	20-3
20.6	Abrogation and Greater Restrictions	20-4
20.7	Types of Subdivisions	20-4
20.8	Minor Subdivisions	20-5
20.9	Major Subdivisions	20-5
20.10	Registered Land Surveys	20-16
20.11	Design Standards	20-16
20.12	Easements and Deed Restrictions	20-30
20.13	Subdivision Improvements	20-32
20.14	Financing and Agreements	20-34
20.15	Urban Expansion Residential District “XR”	20-36
Chapter 21 – Subsurface Sewage Treatment System (SSTS)		21-1
21.1	Scope	21-1
21.2	Jurisdiction	21-1
21.3	Administration	21-1
21.4	SSTS Standards	21-3
21.5	SSTS Practitioner Licensing	21-5
21.6	Liability	21-5
21.7	Prohibitions	21-5
21.8	General Requirements	21-6
21.9	Upgrade, Repair, & Replacement	21-8
21.10	SSTS Permitting	21-9
21.11	System Management	21-12

21.12	Compliance Management	21-14
21.13	Transfer of Properties	21-19
21.14	Abandonment Certification	21-23
21.15	Enforcement	21-23
21.16	State Notification of Violation	21-23
21.17	Costs and Reimbursements	21-24
21.18	Fees	21-24
Chapter 22 – Transportation Overlay District.....		22-1
22.1	Statutory Authorization and Purpose	22-1
22.2	General Provisions	22-1
22.3	Transportation Overlay District (TR)	22-2
22.4	General Performance Standards	22-2
22.5	Roads, Driveways and Parking Areas	22-3
22.6	Existing Buildings/Structures	22-3
Chapter 23 – Airport Overlay District.....		23-1
23.1	Statutory Authorization and Purpose.....	23-1
23.2	General Provisions.....	23-1
23.3	Airport Overlay District (AP).....	23-2
23.4	General Performance Standards.....	23-2
Chapter 24 – Repeals.....		24-1
Chapter 25 – Effective Date.....		25-1
Chapter 26 – Effective Date of Zoning Amendments.....		26-1
Chapter 27 – Exhibits.....		27-1

DODGE COUNTY ZONING ORDINANCE

An ordinance amending the May 16th, 1995 Dodge County Zoning Ordinance regulating land use and development in Dodge County, Minnesota.

THE COUNTY BOARD OF DODGE COUNTY ORDAINS:

CHAPTER 1: PURPOSE AUTHORITY AND JURISDICTION

SECTION 1.1 TITLE

This ordinance shall be known, cited and referred to as the "Dodge County Zoning Ordinance"; except as referred to herein, where it shall be known as "this Ordinance".

SECTION 1.2 PURPOSE

1.2.1 This Ordinance is adopted for the purpose of:

- A. Protecting and promoting public health, safety, general welfare and morals of the citizens of Dodge County;
- B. Protecting and preserving agricultural land, productivity of such land and animal agriculture;
- C. Promoting and providing for orderly, responsible and sustainable development of agricultural, residential, commercial, industrial, recreational, conservation and public areas and land uses;
- D. Promoting compatible development and uses to prevent land use conflicts, conserve the value of properties and preserve the quality of life for the citizens of the county; ;
- E. Promoting appropriate development and use of land located within the shoreland to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands and provide for the wise use of water and related land resources

- F. Promoting appropriate development of floodplains and limiting the development or use of land which could result in the potential for loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief;
- G. Protecting and preserving historical, archeological, scenic and other natural resources which are significant to Dodge County;
- H. Protect groundwater water quantity and quality by facilitating the adequate provision of water, sewage treatment, manure storage and application and management of all land uses within the county;
- J. Protecting the environment;
- L. Administering the planning and zoning activities pursuant to Minnesota Statutes 394.21, as amended.

SECTION 1.3 STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to the authorization and policies contained in *Minnesota Statutes, Chapter 394; Minnesota Statutes, Chapter 103B; Minnesota Statutes, Chapter 116 and Minnesota Statutes, Chapter 103F*; or successor statutes.

SECTION 1.4 JURISDICTION

1.4.1 This Ordinance shall apply to all lands located within in Dodge County, Minnesota, except:

- A, Areas within incorporated limits of any city, however organized, except as provided by law; and
- B. As otherwise provided by law.

SECTION 1.5 SCOPE & COMPLIANCE

From and after the effective date of this Ordinance, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

CHAPTER 2: GENERAL PROVISIONS

SECTION 2.1 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance 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.

SECTION 2.2 SEVERABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 2.3 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, morals and general welfare of all Dodge County residents and shall be liberally construed in favor of the County.

The provisions of this Ordinance shall not be deemed a limitation or repeal of any other power granted by State Statute. Where the provisions of this Ordinance impose greater restrictions than those of any statute, rule, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, rule, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, rule, other ordinance or regulation shall be controlling. Where the provisions of this Ordinance conflict, the more restrictive provision shall apply.

2.3.1 RULES OF ORDINANCE PROVISION INTERPRETATION

- A. This section shall be construed to give effect to all the Ordinance provisions. When the words of this Ordinance are ambiguous, the following shall be considered;
 - I. The reason and necessity for the Ordinance or specific provision,
 - II. The circumstances under which this Ordinance or any

provision was enacted,

- III. The harm or damage to be remedied,
 - IV. The goal or purpose to be attained,
 - V. The objectives of the Comprehensive Plan,
 - VI. The previous versions of the Dodge County Zoning Ordinance,
 - VII. The consequences of a particular interpretation, and/or
 - VIII. Administrative interpretations of this Ordinance and interpretations concurred upon by the Dodge County Attorney's Office or outside counsel (if necessary), Dodge County Staff and the Planning Commission, Board of Adjustment or County Board, where appropriate.
- B. All stated and measured distances shall be taken to the nearest integral unit of measure. If a measured distance is one-half (1/2) unit or less, the unit next below shall be taken. All distances, unless otherwise specified, shall be measured horizontally.

2.3.2 RULES OF LANGUAGE INTERPREATION

- A. For the purpose of this Ordinance, 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. Unless otherwise defined in this Ordinance, words or phrases used in this Ordinance shall have the meaning given in their common usage, if not otherwise defined in Minnesota Statutes and Rules, and other federal laws.
- D. The word "person" shall include any individual, firm, association, joint stock association, organization, partnership, trust, company, corporation, or body politic.
- E. The words "must", "should" and "shall" are mandatory and not discretionary.

- F. The words "may" and "could" are permissive.

SECTION 2.4 USES NOT LISTED ARE PROHIBITED

Whenever in any Primary or Overlay Zoning District a *Use* is not specifically listed as a permitted, conditional or interim use, the *Use* shall be considered prohibited.

SECTION 2.5 EXISTING GOVERNMENT OWNED LANDS AND PUBLIC FACILITIES

Existing *Government Owned Lands and Public Facilities*, as defined in Chapter 4, are allowed to continue in all zoning districts, subject to any performance standards of this Ordinance. All lands, *Uses* and any structures serving the land or *Use* shall comply with all applicable Federal, State and County laws rules and regulations, as well as the provisions of any permit issued there under. In addition, all *Government Owned Lands and Public Facility* uses, including any structures serving the *Use*, shall obtain appropriate licenses.

New *Government Owned Lands and Public Facilities* or the expansion of the boundaries of an existing *Government Owned Lands and Public Facilities* shall meet the permitting requirements for the specific *Use* in the Primary or Overlay District in which it is located.

CHAPTER 3: LAND DESCRIPTION AND SURVEYS

SECTION 3.1 PURPOSE

The purpose of this Chapter is to facilitate the accurate description of all real estate parcels in the County. Specifically the provisions of the Chapter are proposed to:

- 3.1.1 Create more accurate descriptions of real estate parcels in the County;
- 3.1.2 Provide the public and County staff with clear descriptive information regarding the boundaries and features of the property;
- 3.1.3 Assist in creating new or updating existing abstracts;
- 3.1.4 Reduce property line disputes;
- 3.1.5 Reduce property nonconformities which contribute to value reduction;
- 3.1.6 Reduce the potential for county liability resulting from having to make land use decisions and permit decisions based on inaccurate information;
- 3.1.7 Reduce violations of Ordinance provisions.

SECTION 3.2 SCOPE

This Chapter shall regulate the processing of all deeds for land within the County of Dodge. The County Auditor/Treasurer shall not transfer, join, or divide the land, its assessed valuation or net tax capacity in the official county records unless the provisions of this Ordinance have been complied with.

SECTION 3.3: CERTIFICATE OF SURVEY

3.3.1 PROHIBITED SURVEYS

No survey shall be accepted which results in the creation of any new nonconformity without a variance issued by the Board of Adjustment under the procedures of Chapter 18.

3.3.2 CERTIFICATE OF SURVEY REQUIRED

A Certificate of Survey shall be required for the following:

- A. All divisions of land by a metes and bounds description, descriptions by acreage, or by fractional pieces of the section
- B. Remainder descriptions of less than five (5) acres in size, resulting from the split of one or more parcels

3.3.3 CERTIFICATE OF SURVEY FOR CONVEYANCE

Where a conveyance of land involves a division of land subject to this Chapter, the Certificate of Survey shall be attached to the conveyance document

3.3.4 INFORMATION REQUIREMENTS FOR A CERTIFICATE OF SURVEY

All Certificates of Survey shall contain the following information:

A. REQUIRED INFORMATION

- I. Title (Certificate of Survey);
- II. Existing legal descriptions shall note the Certificate of Title number, if applicable. If the existing legal description dimensions or descriptive recitals (calls) differ from what is measured or observed by the field survey, the Certificate shall show those differences.
- III. A north arrow accurately correlated to the courses shown on the property lines;
- IV. Scale of drawing shall include a graphic scale and the pertinent numerical divisions (Scale in feet).
- V. Legend describing all symbols used on the drawing;
- VI. Date of Survey;
- VII. Statutory Certification by a Minnesota Licensed Land Surveyor.
- VIII. Name of owner of the property or the name of the person who requested the survey;
- IX. Sufficient boundary survey data and mathematical infor-

mation (bearings to the nearest one-second of a degree and dimensions to the nearest one-hundredth of a foot) to locate and retrace the boundary and any other survey lines such as easements;

- X. Identify all property corner monuments as either found or set and describe the type of monument.
- XI. Identify known boundary or description gaps or overlaps. Gaps and overlaps should be dimensioned whenever possible;
- XII. Location, right of way widths, and names of public roads, other public ways, or railroads within or adjacent to the property;
- XIII. Distance and direction reference ties from the boundary of the proposed plat to a minimum of two (2) Public Land Survey corner monuments.
- XIV. Total area in square feet or acreage of the surveyed parcel.
- XV. A vicinity map showing the location of the property surveyed by section, township, and range.

B. IF APPLICABLE

- I. Existing or proposed easements located in accordance with descriptions furnished, or as shown on the plat of record. Document numbers, if furnished, should be shown;
- II. Ponds, lakes, rivers, streams, creeks, wetland, or other waterway which are part of the boundary of the property. Elevations shall be referenced to an established bench mark with a mean sea level elevation and noted on the survey;
- III. The location of the closest point of any structures located within thirty feet (30') of any existing or proposed property boundary. The location of the proposed property line in relation to any existing structure shall not be less than the minimum required for the primary or overlay zoning district in which it is located;
- IV. Location of existing or proposed primary and secondary treatment sewage treatment system(s);

- V. Location of existing wells, whether functional or non-functional;
- VI. Visible encroachments.

C. TORRENS PROPERTIES

- I. In the instance in which a plat or metes and bounds description subdivides Torrens property, the Land Surveyor preparing the proposed plat or parcel description shall provide to the Registrar of Titles the new descriptions for the Torrens parcels and any residual parcel(s). These descriptions must accompany the filing of the Certificate of Survey, plat, or Registered Land Survey.
- II. Common Interest Communities in which ownership is characterized as real property cannot contain both Torrens and Abstract title.

SECTION 3.4 ADMINISTRATION

A coordinated review of parcels as they are created or modified will minimize unnecessary and avoidable expenses and legal action that may result from non-compliance with provisions of this Ordinance, other Dodge County land use ordinances, and/or other local, state or federal regulations, where they may apply.

3.4.1 REQUIRED SUBMITTALS

Four (4) copies of the proposed description(s) and Certificate of Survey(s) prepared by a Minnesota Licensed Land Surveyor shall be submitted to the Dodge County Surveyor.

3.4.2 DISTRIBUTION & REVIEW

A. DISTRIBUTION

Under Minnesota Statutes 357.182 (County Fees and Recording Standards for Recording of Real Estate Document), or successor, the maximum time allowed for completion of the recording process for documents presented in recordable form is ten (10) business days.

When the documents are determined to be in recordable form, the Dodge County Recorder shall distribute the submitted information for re-

view. The purpose of the review is to evaluate the documents for technical or legal issues with the description and survey, and to identify any potential negative land use or financial impacts that may result from the proposed action. Distribution of the documents shall be to:

- I. Dodge County Assessor's Office
- II. Dodge County Environmental Services Department
- III. Dodge County Highway Department

B. REVIEW

The reviewers shall submit comments on the proposed action to the County Recorder within three (3) business days. The landowner shall be notified of any potential issues or consequences resulting from the proposed property conveyance prior to recording of the documents. In no instance will the recording of the document be delayed beyond that permitted in statute unless withdrawal of the proposed action is requested by the property owner. However, if the action results in a violation of the ordinance, enforcement action shall proceed.

3.4.3 FILING REQUIREMENT

A legible copy of any Certificate of Survey, including all the requirements of this Chapter, shall be on file in the Dodge County Recorder's Office.

SECTION 3.5 VIOLATIONS, PERMIT ACTION, & ENFORCEMENT

3.5.1 VIOLATIONS

When the landowner is notified of any potential violations of the Zoning Ordinance, yet chooses to proceed with the action, enforcement action shall be pursued. Under Section 19.4 of this Ordinance, a violation of the provisions of the Dodge County Zoning Ordinance or any permit, order, agreement, approval or other authorization issued pursuant to this Ordinance is a misdemeanor. A misdemeanor is punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable according to state law.

3.5.2 LAND USE PERMIT ACTION

For all parcels subject to the requirements of this Chapter, no land use permits shall be issued until all provisions are met.

3.5.2 ENFORCEMENT

Enforcement of the provisions of this Chapter shall be in accordance with Chapter 19 of this Ordinance.

CHAPTER 4: RULES AND DEFINITIONS

SECTION 4.1 RULES

Interpretation of Terminology:

- 4.1.1 For the purpose of this Ordinance, words used in the present tense shall include the future. Words in the singular shall include the plural, and the plural the singular.
- 4.1.2 The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 4.1.3 The word "shall" is mandatory and not discretionary.
- 4.1.4 The word "may" is permissive.
- 4.1.5 The word "lot" shall primarily be utilized for the administration of Chapter 20 as determined by the Zoning Administrator. The word "parcel" may also include the word "plot", "piece", and "tract". "Paracel" may also include the word "lot" in certain situations as determined by the Zoning Administrator.
- 4.1.6 The masculine gender includes the feminine and neuter genders.
- 4.1.7 All distances, unless otherwise specified, shall be measured horizontally.

SECTION 4.2 DEFINITIONS

Aboveground Manure Storage Area. A manure storage area for which all portions of the liner are located at or above the elevation of the natural ground level, per Minnesota Rules 7020.

Access / Access Drive: Any entrance, public or private, intended to permit vehicles, equipment or pedestrians to enter upon a public right of way.

Accessory Structure. A structure that is incidental and subordinate to the principal structure of an allowed use of a property when located on the same parcel or lot.

Accessory Use. A use that is incidental and subordinate to the principal use of a property when located upon the same parcel or lot.

Adequate Public Facilities/Services: Facilities and/or services determined to be capable of supporting the physical area and designated intensity of a proposed use as determined by the Dodge County and any city providing public services based upon the specific levels of facilities/services that would be necessary for the use.

Aggregated Project- WECS. 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.

Agricultural Building. Any building or structure existing or erected on a farm, except dwelling units.

Agricultural Land. A contiguous acreage of 10 acres or more that is currently devoted to horticultural and nursery stock, fruit, vegetables, forage, grains, *Farm Animals*, and/or the production of livestock, dairy animals, poultry or other animal regulated under Minnesota Rules Chapter 7020. Lands enrolled in state or federal farm programs are also considered to be agricultural land.

Agricultural Products. Agricultural, horticultural, viticultural, and dairy products, livestock products, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

Agricultural Use. The use of land for the growing or production of field crops, specialty crops, horticulture, the raising of livestock and keeping of apiaries and *Farm Animals*. Agricultural Use also includes those uses identified in Chapter 8 which may be compatible with typical agricultural operations.

Agritourism Activity or Activities. Activity carried out on a *Farm or Ranch* that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

Agritourism Tourism Products. Livestock, aquacultural, poultry, horticultural, floricultural, viticultural, silvicultural, or other products of a *Farm or Ranch* utilized for *Agritourism Activity*.

Agritourism Professional. A person who is engaged in providing one or more agritourism activities, whether or not for compensation.

Airport. Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any adjacent land or structure used or intended for use for port buildings or other port structures on rights-of-way.

Airport Elevation. Means the established elevation of the highest point on the usable landing area which is given in 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.

Airport, Private. A restricted airport, whether privately or publicly owned. The persons who may use the airport are determined by the owner of the airport. A private airport may not be held out for public use nor may it be displayed on aeronautical charts except as a restricted facility.

Airport, Public. Any airport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.

Airport Safety Zone. An area subject to land use zoning controls adopted to regulate the size or location of buildings, or the density of population.

Alley: Any dedicated public right-of-way providing a secondary means of access to abutting property.

Animal Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals regulated under Minnesota Rules Chapter 7020, as amended, 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 (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Animal Manure or Manure. Excreta or a mixture of excreta with feed, bedding, precipitation, or other materials from *Farm Animals including* poultry, livestock or other animals regulated under Minnesota Rules Chapter 7020, as amended.

Animal Unit. A unit of measure used to compare differences in the production of manure from *Farm Animals* including animals regulated under Minnesota Rules Chapter 7020, as amended.

Applicant. Any person who wishes to obtain a zoning permit, conditional use permit, variance, rezoning, subdivision, or any other land use approval under this ordinance.

Approval. A decision by a unit of government to issue a permit or to otherwise authorize the commencement of a proposed project.

As-Built, SSTS. Drawings and documentation specifying the final in-place location, elevation, size, and type of all septic system components. These records identify the results of materials testing and describe conditions during construction. Information provided must be verified by a certified statement.

Authorized Representative, Department. An employee or agent of the Dodge County Environmental Services Department.

BAEU-18. A bio-filter design specification document supported by research conducted by the University of Minnesota Department of Bio-systems and Agricultural Engineering. For the purpose of this definition, the required use of bio-filters meeting BAEU-18 specifications will allow for the use of similar odor treatment technologies, this may include:

1. Bio-filters constructed to BEAU-18 specifications;
2. Commercially engineered and manufactured bio-filters purchased, installed and operated according to manufacturer specifications;
3. Bio-filters constructed by a feedlot owner to meet the specifications and operational requirements of a commercially engineered and manufactured bio-filter system. The specifications must be provided to the County Feedlot Officer and approved prior to installation;
4. Or other current or future odor treatment technologies approved for use by the United State Department of Agriculture National Resource Conservation Service or university approved research programs.

Bar. An area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and which the serving of food is only incidental to the consumption of such beverages. A “bar” for the purpose of this ordinance shall not include any area where full meals are served, but may include the service of appetizers and snacks

Bedroom. A room which is intended or used for sleeping; or a room designed for sleeping; or a room of a dwelling that has a minimum floor area of 70 square feet with

access gained from the living area or living area hallway, has legal egress, source of heat, and a doorway employing a form of privacy.

Basement. Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.

Best Management Practices or BMP's. Practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practice, and also includes treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.

Bio-Filter(s) – an odor treatment technology that utilizes microorganism in media to oxidize odor and air emission compounds.

Block. A tract of land consisting of one or more lots, as identified on a recorded plat, and bounded by, plat boundaries, public ways, outlots, parks, or bodies of water.

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen percent (18%) over a distance of fifty (50) feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the ordinary high-water level of the waterbody.
3. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high-water level averages thirty percent (30%) or greater.
4. The slope must drain toward the waterbody.

Bluff Impact Zone. The bluff and land located within twenty (20) feet of the top of a bluff.

Board of Adjustment. An officially constituted quasi-judicial body appointed by the County Board under Minnesota Statutes 394.27 with the authority to review and grant variances and review any order, requirement, decision, or determination as may arise in the administration of this Ordinance.

Boulevard. The portion of the street right-of-way between the curb line and the property line.

Breezeway. A roofed often open passage connecting two buildings (such as a house

and garage) or halves of a building. For the purposes of this Ordinance, the term "Screened in porch" shall be synonymous with the term "Breezeway".

Building. Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind; and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

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 Setback Line. A line parallel to the street right-of-way, lot line, or ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said lines.

Business. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Camouflage Design. A tower that is disguised, hidden or screened, but remains recognizable as such. The design must be compatible with the year round historical, environmental and cultural character of the area.

C-BED Project. A C-BED Project is a Community Based Energy Development Project that must have local owners; no single owner may be allowed to own more than 15 percent of a project; must have a local resolution of support; and the Power Purchase Agreement must ensure levelized cash flow to the project owners. Based on their total name plate generating capacity, C-BED Projects are considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Chapter 21.

Certificate of Compliance- Feedlot. A letter sent before October 23, 2000, by the commissioner or the county feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.

Certificate of Compliance – Septic. A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

Certificate of Survey. A graphic and narrative representation of any parcel or tract of real property whose primary purpose is to show the results of a boundary survey. Certificates of Survey in Dodge County shall contain the information as outlined in Chapter 3.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Church or House of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Class V Injection Well. A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two-family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than 20 persons per day. The US 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 CFR Parts 144 & 146.)

Clear Cutting. The removal of the major portion of a stand of timber.

Club or Lodge. A club or lodge is a non-profit association of persons who are bona fide members paying annual dues and the use of the premises is restricted to members and their guests.

Cluster Development/Open Space Development: A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated or reserved open space.

Cluster System. An SSTS under some form of common ownership that collects wastewater from two or more dwellings or building and conveys it to a treatment and dispersal system with a design flow of less than 2500 gpd, located on an acceptable site near the dwellings or buildings.

Co-Location. The placement an antenna by two (2) or more service providers on a tower, building or structure.

Combine. The act of joining two or more individual parcels or lots into one parcel or lot.

Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commercial WECS. A WECS of equal to or greater than 40 kW but less than 5,000 kW (5 MW) in total name plate generating capacity.

Common Plan of Development or Sale. One proposed plan for a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. "One proposed

plan" is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land-disturbing activities may occur.

Community System. An SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a shared treatment and dispersal system with a design flow of 2500gpd or greater.

Compost. A humus-like product derived from the controlled microbial degradation of organic material.

Comprehensive Plan. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the County or any portion of the County, per Minnesota Statutes 394, as amended.

Conditional Use. A land use or development as defined by ordinance that would be inappropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist; (2) the use or development conforms to the comprehensive land use plan of the County; and (3) is compatible with the existing neighborhood, per Minnesota Statutes 394, as amended.

Conforming Use. Means 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 Corridors: Linked tracts of natural areas, scenic areas, and other open spaces that have unique natural characteristics, including a combination of contiguous large tracts of forest and grassland forming corridors that support important wildlife and that maintain near-native biodiversity providing natural conditions that are little impacted by humans and livestock. These areas are identified as the best of all natural resource areas in the county and are illustrated in corridors that may be updated or added as such areas are so identified and designated by the County Board of Commissioners.

Conservation Easement: A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, archaeological, or cultural aspects of real property, per Minnesota Statutes 84C.

Control Measure. A practice or combination of practices to control erosion and attendant pollution.

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

Corrective or Protective Measure. A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot or other potential pollutant source to a level in conformity with MPCA rules.

County. Dodge County, Minnesota.

County Board. Includes the County Commissioners, the Board of County Commissioners, the County Board or any other word or words meaning the Dodge County Board of Commissioners.

County Surveyor. The County Surveyor of Dodge County, Minnesota, or the authorized representative.

Crops. Plants that are cultivated either for sale or for subsistence

Crosswind Spacing- WECS. The horizontal distance measured between individual WECS towers located within a string of towers.

Covenants. Protective or restrictive contracts, agreements, or declarations entered into between two (2) or more private parties, which constitutes a restriction on the use of private property within a subdivision and to provide protection against undesirable aspects of development that would impair values.

Cul-De-Sac. A street which is open at one end only.

Cumulative Impact. The impact on the environment that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground, per Minnesota Rules 6120, as amended.

Deed Restriction: A recorded document that limits land use on a specified parcel(s).

Demolition Debris. Solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

Department. The Dodge County Environmental Services Department or designated

agent who is a qualified employee or licensee.

Detention Facility. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

Design Flow. The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Developer: The owner of land proposed to be subdivided or his/her representative.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes, other structures, recreational vehicles, mining, dredging, filling, grading, paving excavation, drilling operations, or storage of materials and equipment.

Development Agreement: A Development Agreement within the purpose and intent of this document is defined as a contract between all responsible parties which shall thoroughly describe the responsibilities of all parties involved in the subdivision development construction (Exhibit F).

Dilapidated dwelling: A dwelling that is unfit and unsafe for human habitation, occupancy, or use if conditions exist in such dwelling which are dangerous or injurious to health, safety or morals of the occupants of such dwelling. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects and other factors deemed relevant to the County.

Districts. A section or sections of the County for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Domestic Fertilizer. Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or animal manure that is used as compost, soil conditioners, or specialized plant beds.

Downwind Spacing- WECS. The horizontal distance measured between strings of WECS towers.

Drainage Course: A watercourse or indenture for the drainage of surface water.

Drainage Easement. An easement for the purpose of controlling, preserving, and providing for the flow or storage of water, per Minnesota Statutes 505, as amended.

Dredging. To enlarge or clean-out a waterbody, watercourse, or wetland.

Drive-up Business. Any area or structure used for selling goods or services to the

public where parking is provided to the public.

Duplex. A structure that contains two separate *Dwelling Units* with separation either horizontal or vertical on one lot that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes. For the purposes of this Ordinance, the term "Duplex" shall be synonymous with the terms "Townhouse, Triplex, Two-Family or Multi-Family Dwelling" or any other similar term

Dwelling Unit. Any building, including mobile homes, with provisions for living, sanitary and sleeping facilities. Camper trailers, camper buses, recreational vehicles and tents are not considered dwelling units when used as temporary living quarters for travel, vacation or recreation.

Easement: An authorization or sale by an owner of land for specific use by persons other than the owner.

Environment. Physical conditions existing in the area that may be affected by a proposed project. It includes land, air, water, minerals, flora, fauna, ambient noise, energy resources, and artifacts or natural features of historic, geologic, or aesthetic significance.

Environmental Assessment Worksheet or EAW. A brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

Environmental Document. An EAW, draft EIS, final EIS, substitute review document, and other environmental analysis documents.

Environmental Impact Statement. A detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a.

Essential Services. Overhead or underground electrical, gas, communication, hydrocarbon, steam or water transmission, distribution or collection system, operated by any utility company or government agency or as are required for protection of the public health, safety or general welfare. Specifically, this includes "Essential Service Lines" and "Essential Service Structures" as defined below. "Essential Services" does not include any buildings, wireless telecommunication facilities, towers or antennas.

Essential Service Line. Any primary or subsidiary conductor designed or utilized for the provision or maintenance of essential services including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, fire alarm box, police call box, right-of-way, but not including any building, tower, or other structure.

Essential Service Structure. Any pertinent structure required to be on line to accommodate the proper provision or maintenance of essential services, including any electric substation, water tower, sewage lift station, gas re-distribution station or other

similar facility.

Extended Recreational Campground. Any area, privately owned, used on a daily, nightly, weekly, or longer basis for the accommodation of up to a total of four tents and/or *Recreational Camping Units* free of charge. If a fee is charged, the use must be permitted as an RCA regardless of the number of campsites available. *Extended Recreational Campgrounds* are subject to *Seasonal Use* provisions.

Exterior Storage. The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Existing System (SSTS). SSTS that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Failure to Protect Groundwater. At a minimum, as SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500, Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. A determination of threat to groundwater quality for other conditions must be made by a *Qualified Employee* or licensed inspection business.

Fair. Public or private event that includes all of the following; exhibitions, buying and selling of goods, competitions, games, and other entertainment.

Fairgrounds. Property owned or leased by an Agricultural Society or Association as described in Minnesota Statutes 38.01 which is primarily used for outdoor fair or exhibitions.

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

Farm Animal(s). Any animals commonly associated with a farm or an agricultural setting. Unless otherwise defined, *Farm Animal(s)* shall include members of the equestrian family (horses, mules, donkeys), bovine family (cows, bulls, bison), camelid family (llamas, alpacas), ratite family (ostriches, emus), poultry (chickens, turkeys, pheasants), fowl (ducks, geese), swine, sheep, goats, and other animals associated with a farm, ranch, stable or livestock regulated under Minnesota Rules Chapter 7020, as amended.

Farm Animal(s) Site(s). A spatial location where *Farm Animals* are kept on a yearly, seasonally or temporary basis. For the purpose of this Ordinance, *Farm Animal(s) Site(s)* shall encompass *Animal Feedlot*, *Pasture* and any other sites where *Farm Animals* are maintained and raised.

Farm or Ranch. One or more areas of land used for the keeping of *Farm Animals*, production, cultivation, growing, harvesting, or processing of Agritourism Products located upon a site in which Agritourism Activity occurs.

Feeder Line- WECS. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Feedlot Expansion. Construction or any activity that has resulted or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area, whether or not an increase in animal units occurs.

Fence. A fence is defined for the purpose of this Ordinance as a partition, structure, wall or gate erected as a dividing mark, barrier or enclosure and located along the boundary, or with the required yard.

Fill. Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting there from.

Final Plat. A drawing or map, in final form, showing a proposed subdivision, containing all information and detail required by Minnesota Statutes 505 and Chapter 20 of this Ordinance in the form required by the County for purposes of recording.

Flood Fringe. That portion of the floodplain outside of the floodway.

Flood Profile. A graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

Flood Stage. As commonly used by the U.S. Weather Bureau and others, that stage, at a particular river gauge, where overflow of the natural banks of the stream results in significant flood damage in any portion of the reach for which the gauge is a representative index.

Floodplain. The areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.

Floodproofing. A combination of structural provisions, changes or adjustments to

properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or and discharge the regional flood, per Minnesota Rules 6120, as amended.

Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or of the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having a head room of less than 7'6".

Floor Area Ratio. The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

Forest Land Conversion. The clear cutting of forest lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.

Plan, Future Urban Development: Conceptual plan to show future development area in a planned subdivision, illustrating future streets, lot layouts, and utility corridors that will provide for additional lot divisions for future infill that may benefit from municipal utilities (Exhibit B-Figure B: Concept with Ghost Plat).

Garage - Private. A detached or attached accessory building or carport which is used primarily for storing passenger vehicles, trailers, or trucks.

Garage - Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories are only incidental to the principal use.

Generator Nameplate Capacity. The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.

General Development Concept Plan: A general plan preparatory to the preparation of the Preliminary Plat that illustrates lot layout, streets, utility corridors, and open spaces of proposed development. Future development, natural habitat, pedestrian corridor, and neighborhood recreation open spaces are located on the development concept plan according to their type of use (Exhibit B-Figure A). The General Development Concept Plan shall include a Future Urban Density Plan where the plat to be submitted includes only part of the parcel intended for development by the subdivide.

Government Owned Lands and Public Facilities. Land owned by a federal, state

or local government which is held for public use and/or provides a public service. *Government Owned Lands and Public Facilities* within Dodge County include public parks, trails and recreation areas, historical sites, wildlife and waterfowl management areas, township halls, maintenance shops and facilities, emergency service equipment and facilities, the Dodge County Fairgrounds, Transfer Station, Recycling Center, recycling depots, Landfill, yard waste management sites, Sheriff's impound lot, and Highway maintenance facilities.

Grade: The slope of a road, street, or other public way specified in percentage (%) terms.

Gross Floor Space. The total square footage of all floors but does not include parking lots or approach areas.

Guyed Tower. A tower that is supported, in whole or in part, by wires and ground anchors.

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 (100 kV) or more and is greater than 1,500 feet in length.

Holding Tank – Septic. A tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding Tanks are considered a septic system tank under Minnesota Statutes, section 115.55.

Home Occupation. Any occupation or business use, full or part time, conducted within a dwelling or an accessory structure, or both, by a resident of the property.

Horticulture. The branch of agriculture concerned with growing plants that are used by people for food, for medicinal purposes, and for aesthetic gratification.

Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Imminent Threat to Public Health and Safety. At a minimum, a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a *Qualified Employee* or licensed inspection business.

Industrial Use. The use of land or building(s) for the production, manufacture,

warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Inherent Risks of Agritourism Activity. Dangers or conditions that are an integral part of an *Agritourism Activity* including but not limited to: (1) natural hazards and conditions of land, vegetation, and waters including surface and subsurface conditions; (2) the behavior of wild or domestic animals; and (3) ordinary dangers of structures or equipment ordinarily used in farming or ranching operations.

Institutional Facility. A land-based facility owned or operated by an organization having a governmental, educational, civic, or religious purpose such as a school, hospital, prison, military installation, church, or other similar establishment or facility.

Intensive Vegetation Clearing. The complete removal of trees or shrubs in a continuous patch, strip, row, or block.

Joint Airport Zoning Board (JAZB). This board is made up of representatives of the affected jurisdictions within the airport hazard area, which can extend up to 2 miles from the airport boundary. The board consists of two Dodge County representatives and two City of Dodge Center representatives and one City of Dodge Center Airport Advisory Board member. The JAZB advises on projects and operations related to the Dodge County Municipal Airport.

Junk Yard or Salvage Yard. Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of five (5) or more inoperative or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk yard.

Kennel. Any structure or premises on which four (4) or more of any type of domestic animals over three (3) months of age are kept. A kennel does not include cats kept for rodent control.

Kilovolt (kV). A kilovolt is equal to one thousand volts (V).

Kilowatt (kW). A unit of electrical power equal to one thousand watts.

Landing Area. Means the area of an airport used for the landing, taking off, or taxiing of aircraft.

Land Disturbing or Development Activities. Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

Landowner or Owner. Any person who holds title to property, either individually or as a joint tenant, or tenant in common, to any land lying within the County. Where the term owner of land or landowner is used, it includes each and all of the joint tenants and tenants in common with respect to such land.

Land Survey. The determination of the location, form, or boundaries of a tract of land by field measurements of the lines and angles in accordance with the principles of geometry and trigonometry.

Lagoon - Feedlot. A biological treatment system designed and operated for biodegradation, converting organic matter in animal wastes to more stable end products. This system is differentiated from a storage facility by design in that it is a system that reduces the amount of material that needs to be removed. A lagoon is also more of a long term facility versus the more short term storage facility.

Lattice Tower. A self-supporting tower constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Light Industrial Facility. A subcategory of industrial land use with a primary function other than manufacturing and less than 500 employees.

Limited Rural Business. A Home Occupation operated out of an accessory structure, meeting all performance standards for Limited Rural Business in Chapter 16.

Liquid Manure Storage Area or LMSA. An area where liquid animal manure and process wastewaters are stored or processed.

Lot. A tract of land which is all or part of a block and is identified on the plat, per Minnesota Statutes 505, as amended.

Lot Area. The area of a horizontal plane within the lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

Lot, Corner: A lot bordered on at least two (2) adjacent sides by intersecting streets.

Lot, Depth. The shortest horizontal distance between the front lot line and measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot, Frontage: That part of a lot lying along and abutting a road or that part of a lot abutting water.

Lot, Interior. A lot, other than a corner lot, including through lots.

Lot, Line. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting public right-of-way,

the lot line shall be deemed to be the public right-of-way.

Lot, Through. A lot fronting on two (2) parallel roads.

Lot, Width. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth and at the building setback line.

Lot of Record. A platted lot or a parcel of land described by metes and bounds or by a registered land survey which has been recorded in the Office of the Register of Deeds and conformed to the lot size requirements of the zoning ordinance in effect at the time of recording

Lowest Floor. The lowest floor of the lowest enclosed area (including basement).

Major Essential Service – Transmission

Any Essential Service Line and/or Essential Service Structure providing station to station transmission of essential services not intended for enroute consumption. This includes, but is not limited to, electric power lines with a voltage greater than 34.5 kV, telephone lines, telegraph lines, cables, or conduits which are used to transport bulk amounts of gas, liquids, or solids in suspension between two points.

Manufactured Home. A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, and when erected on site is built on a permanent chassis 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; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the statutory standards established.

Manufactured Home Stand. The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.

Manure Storage Area. An area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot are not manure storage areas.

Manure Storage Facility. A permanent site used in conjunction with an animal feedlot on which animal manure or run-off containing animal manure is stored until it is utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

Megawatt (MW). A megawatt is equal to one million watts.

Meteorological Tower (Met Tower). 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 Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

Metes and Bounds. A method used to describe property by reference to distances, angles, directions, or a combination of two or more;

Micro-WECS. Micro-WECS are WECS of 1 kW nameplate generating capacity or less with a total height of 40 feet or less.

Migrant Camp. This shall be one or more buildings or structures, tents, or vehicles, together with the tract of land on which they are situated, that are used as living quarters by seasonal or temporary migrant agricultural workers.

Minor Essential Service – Distribution

Any Essential Service Line and/or Essential Service Structure providing distribution of an essential service between a Major Essential Service (Transmission) and the customers of a utility company or government agency.

Minor Subdivision Procedure. An approval process that a local unit of government may adopt under Minnesota Statutes 505 for simple land divisions.

Mitigation. Avoiding impacts altogether by not undertaking a certain project or parts of a project; minimizing impacts by limiting the degree of magnitude of a project; rectifying impacts by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project; compensating for impacts by replacing or providing substitute resources or environments; or reducing or avoiding impacts by implementation of prevention measures.

Modification. In regards to towers regulated under Section 16.49 of the Dodge County Zoning Ordinance, includes collocation, removal or replacement of an antenna or other transmission equipment associated with the supporting structure (but not replacement of the underlying structure).

Monopole. A type of tower mount that is self-supporting through a single shaft usually constructed of wood, metal or concrete that is securely anchored to a foundation.

MPCA. The Minnesota Pollution Control Agency.

National Pollutant Discharge Elimination System Permit (NPDES). A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

Native Prairie Plan. A plan that addresses the steps to be taken to identify native

prairie within a proposed project area, measures to avoid impacts to native prairie, and measures to mitigate for impacts if unavoidable. No actions that may impact native prairies shall be allowed unless addressed in the Native Prairie Plan. Unavoidable impacts shall be mitigated/addressed by the means agreed to by the permittee, DNR and Dodge County.

Natural Resource Areas: Areas of the county that have significant and important amounts of natural resources that help provide the “rural character” of the county, recreational opportunities such as hunting and fishing, provide habitat for game and non-game wildlife, and contain significant sand, gravel, and rock deposits that are needed for the future economic viability of the county. Natural Resource Areas also identify groundwater resources that are at a higher risk of contamination.

New Feedlot. A feedlot or manure storage area that is constructed, established, or operated at a site where no feedlot or manure storage area existed previously; or that existed previously but has been unused for five years or more.

Non-Commercial WECS. A WECS of less than 40 kW and greater than 1 kW in total name plate generating capacity.

Nonconformity. A use, structure, or parcel of land lawfully in existence, recorded, or authorized before the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

Nonprecision Instrument Runway. Means 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-riparian Lot. A lot which has no area fronting a surface water feature.

Notice of Noncompliance. A document written and signed by a certified inspector after a compliance inspection that gives notice that an ISTS is not in compliance as specified under Minnesota Rules Chapter 7080.1500 and 21.9.4 of this Ordinance.

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, lake bed, or regulatory flood plain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.

OFFSET. The Odor From Feedlots Setback Estimation Tool developed by the University of Minnesota. The OFFSET odor evaluation model as developed, and amended, by the University of Minnesota Department of Biosystems and Agricultural Engineering. Amended 6/9/09

Off-Street Loading Space. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Open Sales Lot. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

Open Space: Land used for agriculture, forestry, natural habitat, pedestrian corridors and/or recreational purposes, that is permanently protected from future development.

Open Space Land Use. A use particularly oriented to and using the outdoor character of an area including agriculture, campgrounds, parks, and recreation areas.

Orderly Annexation Agreement: An agreement, signed by the affected township and city officials, that identifies areas designated for future annexation to the affected city.

Orderly Annexation Area: An area that is identified for future development in an Orderly Annexation Agreement that is signed by the affected township and city officials.

Ordinary High Water Level. The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which 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 terrestrial. For watercourses, it is 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 Establishment. Any public or private structure other than a dwelling that generates sewage that discharges to an SSTS.

Other Than Utility Runway. Means 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 tract of land which may, at a future date, be platted into more lots; or an unbuildable lot if the area or setbacks of the tract do not comply with the minimums defined in local platting ordinances; or a lot remnant or any parcel of land included in a plat, which may be used as open space or access for utilities, or which may otherwise be unsuitable for development and therefore not be usable as a building site.

Parcel: A described area, tract, or plot of land, which may be designated by metes and bounds description, by a recorded land survey, auditors plat, or other accepted means, which distinguish it from other parcels by said description for the purpose of sale, lease, or separation.

Parking Space. An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Participant. A person, other than an *Agritourism Professional*, who engages in an *Agritourism Activity* and who has the capacity to understand the *Inherent Risks of Agricultural Tourism*.

Pasture. Areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season. Except that vegetative cover is not required in the immediate vicinity of supplemental feeding or water devices, in associated corrals and chutes where *livestock Farm Animals* are gathered for the purpose of sorting, providing veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices, or in associated *livestock Farm Animals* access lanes used to convey *livestock Farm Animals* to and from areas of the pasture. "Pasture" also includes areas on agricultural land where *livestock Farm Animals* are allowed to forage during winter, that is used for cropping purposes during the growing season and where the concentration of animals is such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices.

Pedestrian /Public Walk-way: A public right-of-way across or within a plat to be used by pedestrian or non-motorized vehicles.

Permanent Conversion. A change in use of agricultural, naturally vegetated, or forest lands that impairs the ability to convert the land back to its agricultural, natural, or forest capacity in the future. It does not include changes in management practices, such as conversion to parklands, open space, or natural areas.

Permanent Stockpiling Site. A manure storage area where manure is stored or processed that does not meet the requirements of part of Minnesota Rules Chapter 7020.2125, Subp. 2, as amended.

Permit. A permit, lease, license, certificate, or other entitlement for use or permission to act that may be granted or issued by a governmental unit, or the commitment to issue or the issuance of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, by a governmental unit.

Permitted Use. A use which may be lawfully established without public hearing in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

Permittee. Any individual, firm, partnership, association, cooperation, or

organization of any kind to whom a permit is issued.

Person. An individual, firm, partnership, association, cooperation, or organization of any kind, including governmental agencies and political entities

Personal Recreational Campground. Property upon which a tent or personal *Recreational Camping Unit* is placed solely for recreational use by the property owners. *Personal Recreational Campgrounds* are not subject to *Seasonal Use* time limitations.

Planning Commission: The Dodge County Planning Commission.

Plat. A delineation of one or more existing parcels of land drawn to scale showing all data as required by Minnesota Statutes Chapter 505, as amended, which depicts the location and boundaries of lots, blocks, outlots, parks, and public ways

Plat Monument. A durable magnetic marker placed at all locations required by this chapter or other locations as shown on the plat.

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. Means 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.

Predominant Wind Axis. The alignment in which the wind blows the majority of the time (Typically North – South)

Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting the requirements of Chapter 20 of this ordinance.

Principal Use. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, conditional, or interim.

Private Nuisance. Something that affects an individual's right to enjoyment of some property or activity, but does not necessarily affect the community as a whole.

Private Road. A road which is not dedicated to the community for public use.

Process Wastewaters. Waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate

or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

Project Boundary- WECS. The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

Protective Covenant. A contract between parties which constitutes a restriction on the use of property for the benefit of the owners.

Public conservation lands. Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations

Public Nuisance. An activity (or failure to act in some cases) that unreasonably interferes or obstructs a right that is conferred on the general public. A public nuisance may also exist where there is a condition that is dangerous generally to members of the public or is in some way offensive to accepted community standards.

Public Road. A public easement which affords a primary means of access to abutting property.

Public Uses. Uses or lands owned or operated by a municipality, school districts, county, state, or other governmental units.

Public Utility. Any organization which provides services to the general public, although it may be privately owned. Public utilities include electric, gas, telephone, water and television cable systems.

Public Waters. Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

Public Way. A thoroughfare or cul-de-sac which provides ingress and egress to the public, per Minnesota Statutes 505, as amended.

Qualified Employee. The Dodge County SSTS Program Manager or other designated Dodge County Environmental Services employee that is maintains current certification with the MPCA to inspect and determine the compliance status of new and existing SSTS as part of the person's employment duties.

Reasonable Manner. In a way that any person with an ordinary degree of reason,

prudence, care, foresight, or intelligence would not object to.

Recreational Camping Area (RCA). Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents and/or *Recreational Camping Units* free of charge or for compensation. Recreational Campgrounds require a CUP and must meet all performance standards of Minnesota Rules Chapter 4630, as amended and Section 16.11 of this Ordinance.

Recreational Camping Units. A *Recreational Camping Unit* as defined by this Ordinance includes “Recreational Vehicles”, “Travel Trailers”, “Park Trailers”, and “Motor Homes” as defined in Minnesota Statutes 168.002 that are:

1. Temporary portable living quarters used for travel, recreation and vacations.
2. Self-propelled or towed on highways for the purpose of travel, recreation and vacation activities.
3. Prohibited from being occupied as a residence, dwelling unit or other occupancy that exceeds *Seasonal Use* unless it is permitted as a dwelling unit under ordinance requirements and meets all applicable standards for the dwelling use.

The term *Recreational Camping Units* can also include the generic terms, RVs, campers, park models, tent trailers, and converted buses or other vehicles that provide temporary human living quarters for travel, recreation and vacation activities. Mobile or modular homes are not *Recreational Camping Units*.

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota 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" and "100-year flood" used in the Flood Insurance Rate Map and Section 15 of this Ordinance.

Regulatory Flood Protection Elevation (RFPE). The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Remainder Description. The legal description representing the boundaries of that portion of a larger tract of real property which remains after the parcel being conveyed is split from that larger parcel. Said description shall be in conformance with the requirements outlined in Chapter 3.

Replacement Dwelling. A dwelling that takes the place of an existing dwelling that is or will be removed.

Restaurant. Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere.

Retail Sales. Stores and shops selling personal services or goods.

Retention Facility. A permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Riparian Lot. A lot which has a boundary defined by a water feature.

Road Right-of-Way. Any interstate, United States, state, county municipal, or township highway or road including any shoulder and drainage ditch alongside the road as defined by ownership, easement or similar conveyance.

Rotor Diameter (RD). The diameter of the circle described by the moving rotor blades.

Runway. Means any existing or planned paved surface or turf covered area of an 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 Dodge Center Municipal Airport define the land use and airspace surfaces protected under this Ordinance. The coordinates of the existing runway ends are based on published FAA data from January 2019. The coordinates of the planned runway ends are based on the Airport Layout Plan prepared April 2005. The coordinates are as follows:

Runway End	Latitude	Longitude
16	N44° 01' 23.44"	W92° 49' 57.46"
34	N44° 00' 40.40"	W92° 49' 42.18"
4	N44° 01' 01.75"	W92° 49' 12.75"
22	N44° 01' 18.65"	W92° 49' 50.06"
6 (Planned)	N44° 01' 07.76"	W92° 49' 55.83"
24 (Planned)	N44° 01' 20.83"	W92° 49' 15.96"

Note: Coordinates are NAD83

Seasonal High Water Table. The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water or soil mottling or other information.

Seasonal Use. Eating, sleeping, or general accommodation of persons for intermittent periods of time, on a non-permanent basis. Seasonal accommodation is not a person's customary and usual place of residence or fixed permanent home, or the principal establishment to which the person when absent has full intention of returning. A *Seasonal Use* shall not exceed fifty-six (56) days in any calendar year (January 1st

through December 31st) or more than 28 days per camping season, whichever is less. For the purposes of this definition fall/winter camping season is from October 1st through March 31st and spring/summer camping season is from April 1st through September 30th.

Secondary Wind Axis. The alignment in which the wind blows subordinate to the alignment of the primary wind axis. Typically the East-West axis.

Section Line Divided Building Sites. An existing non-buildable lot or structure that is due to the division of the lot or structure by a section line that is not defined by a public road, provided:

1. The site currently contains a legally conforming use with existing structures, and;
2. The sole reason of the non-buildable lot and/or nonconforming structure(s) is the division of the building site by the section line, and;
3. The two adjacent parcels that are divided by the section line together form a conforming site for the zoning district in which they are located, and
4. Have historically been legally described as one building site for the purpose of conveyance.

Sediment. Solid matter carried by water, sewage, or other liquids.

Semi-public Uses. The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Service Area. Territory in which a utility is require to, or has the right to, supply service to customers.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or use, or other facility and a property line, an ordinary high water level, watercourse, wetland top of bluff, road, sewage treatment system, dwelling, other facility, feature or other use.

Sewage. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes.

Sewage Disclosure Form. A form provided by the Department to be completed by

the seller of property at the time of sale or transfer of title, which discloses the information about the ownership, location, and condition of sewage treatment on the property.

Sewage Responsibility Form. A form provided by the Department to be completed by the seller and buyer of property at the time of sale or transfer of title, which defines responsibility for required future inspection, repair, replacement, and maintenance of the sewage treatment system(s) on the property.

Sewer System. Pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

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 fifty percent (50%) of the structure setback.

Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Short-term Stockpiling Site. A manure storage area where manure is stored or processed according to Minnesota Rules Chapter 7020.2125, Subps 1 to 3, or successor.

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.

Sign, Advertising (Billboard). A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Sign, Business. A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such 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 when 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 the area

bounded by straight lines 6 inches beyond the periphery of said 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, Nameplate. Any sign which states the name or address, or both, of the business or occupant of the lot where the sign is placed.

Sign, Roof. A device whose supporting structures are affixed to a roof.

Sign, Rotating. A sign which revolves or rotates on its axis by mechanical means.

Sign, Temporary. A sign allowed for a period of 90 days or less.

Sign, Wall. A device whose supporting structures are affixed to a wall or side of a building.

Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Split. The act of dividing a tract of land into two (2) or more lots or parcels.

Sports or Entertainment Facility. A facility intended for the presentation of sports events and various forms of entertainment or amusement. Examples include sports stadiums or arenas, racetracks, concert halls or amphitheaters, theaters, facilities for pageants or festivals, fairgrounds, amusement parks, and zoological gardens.

Standard Project Flood. The flood that may be expected from the most severe combination of meteorological and hydrological conditions that is considered reasonably characteristic of the geographical area in which the drainage basin is located, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood control works, the failure of which might be disastrous.

Subsurface Sewage Treatment System or SSTS. Either an individual subsurface

sewage treatment system as defined in MN Rules 7080.1100 subpart 41 or a mid-sized subsurface sewage treatment system as defined in Minnesota Rules Chapter 7081.0020, subpart 3, as applicable and regulated in Chapter 21 of this Ordinance, or successor.

State. The State of Minnesota.

Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Storm Water or Stormwater. Storm water runoff, snow melt runoff, and surface runoff and drainage.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not a floor above it, the space between the floor and the ceiling above it.

Story, Half. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street or Road: A public right-of-way, which affords the primary means of access by pedestrians and vehicles to abutting property.

Street, Collector: A street, which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

Street, Local: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

Street, Major: 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, Minor: A street intended to serve primarily as an access to abutting properties.

Street or Road, Private: A purported roadway or strip of land serving as access to a limited number of parcels of land, which is not dedicated to the public but is owned and maintained by one or more private parties.

Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.

Street, Service: A minor street parallel to and adjacent to high volume arterial streets and highways, which provides access to abutting properties and protection of through traffic.

Street, Urban Design: A street that incorporates either concrete or bituminous curb and gutter.

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 location on or in the ground or attachment to something having a location on the ground.

Structural Alteration. A change other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity initiating a subdivision or plat.

Subdivision: The division of a tract of land into two (2) or more lots or parcels for the purpose of sale or transfer of ownership, lease or separation, building development, or establishing a new road or road easement.

Subdivision, Conservation: The preferred subdivision design process (Exhibit C), which first identifies ecologically sensitive or culturally significant natural areas to be set aside and placed under a conservation easement that permanently restricts future development.

Subdivision, Major. A *Major Subdivision* is any subdivision of land the purpose of which is to create through the platting requirements of Minnesota Statutes Chapter 505 and Chapter 20 of this Ordinance, two or more residential, commercial or industrial buildable *Lots* that are not classified as a *Minor Subdivision*

Subdivision, Rural Residential: Any permitted development of land formerly within the boundaries of the Agricultural Zoning District, which has been rezoned as Rural Residential and that incorporates the clustering of dwelling units to meet open space requirements.

Substantial Change. Regarding towers regulated under Section 16.49 of the Dodge County Zoning Ordinance, substantial change includes:

For towers outside of public rights-of-way: increases in height by more than 20

feet or 10 percent, whichever is greater;

For towers in public rights-of-way: increases in height of the tower by 10 percent or 10 feet, whichever is greater;

For towers outside of public rights-of-way: protrudes from the edge of the tower more than 20 feet or more than the width of the tower at the level of the appurtenance;

For towers inside the public rights-of-way and all base stations: protrudes from the edge of the structures more than six feet;

Involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets;

Entails excavation or deployment outside current site of tower or base station;

Defeats stealth elements of the tower or base station; or

Does not comply with existing conditions associated with prior approval of the tower or base station.

Substations. A facility that monitors and controls electrical power flows, uses high voltage circuit breakers to protect power lines and transforms voltage levels to meet the needs of the end users.

Substantial Damage. Damage sustained by a structure where the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purposes of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1

Supplemental Agricultural Use Storage. A storage building located with the Agricultural District which is located on a separate buildable parcel that is immediately adjacent to a parcel upon which an existing permitted use is established prior to amendment adoption (November 10, 2020) and is both supplemental to, and used for, that same adjacent permitted use.

Surface Water Oriented Commercial Use. The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conductance of business.

Telecommunication: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Temporary Towers. Regarding towers regulated under Section 16.49 of the Dodge County Zoning Ordinance. Temporary Towers meeting the criteria below are exempt from the 30 day notification of local governments. Temporary Towers that are exempt include those that:

Will be in place for 60 days or less;

Require notice of construction to the Federal Aviation Administration (FAA);

Do not require marking or lighting under FAA regulations;

Will be less than 200 feet above ground level; and

Will involve minimal or no ground excavation.

Toe of the Bluff. The lower point of a 50-foot segment with an average slope exceeding 18 percent, per Minnesota Rules 6120.

Top of the Bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent, per Minnesota Rules 6120.

Total Height. The distance between the ground level at the base of a structure and its tallest vertical extension including any attachment thereon. For WECS, this would be the highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Total Name Plate Capacity. The total of the maximum rated output of the electrical power production equipment for a WECS project.

Tower. A structure, privately or publicly owned, used for commercial purposes, upon which radio, television, cellular telecommunications, personal communication services, or other communication antennas and /or equipment of a similar nature is mounted,

excluding towers, used for business band, citizen's band, amateur radio, personal television reception antennas, or other similar personal uses. This definition does not include wind energy conversion systems or meteorological towers associated with wind energy conversion systems.

Tower- WECS. Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

Tower Height- WECS. The total height of the WECS exclusive of the rotor blades.

Transfer of Property. The act of a party by which the title of property is conveyed from one person to another. The sale or transfer of title, 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, gift or otherwise. This shall include, but not be limited to, sales by deed and contract for deed.

Transfer Station. An intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Transformers. Devices that change voltage levels.

Unincorporated Area. The area outside an incorporated city, village or borough.

Use. The purpose or activity for which the land, building, and/or structure(s) thereon are designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

Urban Expansion District. An area that is designated on the official Zoning Ordinance Map of Dodge County for future development adjacent to a city

Utility Easement. An easement conveyed, granted, or dedicated to the public for utility purposes per Minnesota Statutes 505, as amended.

Utility Runway. Means 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. Any modification or variation of this ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of the ordinance would cause unnecessary hardship, per Minnesota Statutes 394, as amended.

Visual Runway. Means 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.

Voltage. A type of "pressure" that drives electrical charges through a circuit.

Warehousing Facility or Commercial Storage Facility. A subcategory of industrial land use that has as its primary function the storage of goods or materials.

Wastewater Treatment Facility. A facility for the treatment of municipal or industrial waste water.

Waste Facility. All property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

Water Boundary. The shore or margin of lakes, ponds, rivers, creeks, streams, drainage ditches, or swamps, which forms a boundary of or within the plat per Minnesota Statutes 505, as amended.

Water Oriented Accessory Structures. Water oriented accessory structure or facility means a small, above ground 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 boat houses, gazebos, screen houses, fish houses, pump houses, and detached decks, per Minnesota Rules 6120, as amended.

Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Watt. Unit of power equal to volts multiplied by amps.

Wet Land. All rivers, streams, creeks, drainage ditches, lakes, ponds, and swamps, per Minnesota Statutes 505, as amended.

Wetland. 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 purposes of this definition, wetlands must have the following three attributes:

1. have a predominance of hydric soils;
2. are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. under normal circumstances support a prevalence of such vegetation.

Wind Access Buffer. Setback from all lands and/or wind rights not under permittee's control with the primary purpose being to protect adjacent rights.

Wind Energy Conversion System (WECS). An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy.

Wind Turbine. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Wireless Telecommunications Antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunications Equipment Shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless Telecommunications Tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Witness Monument. A plat monument placed at an identified distance and direction from a corner that is in a physical location that is not practical to monument, per Minnesota Statutes 505, as amended.

Yard. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Side. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Zoning Ordinance. The Dodge County Zoning Ordinance.

CHAPTER 5: GENERAL ZONING DISTRICT RULES OF APPLICATION

SECTION 5.1 ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. Two types of zoning districts are utilized. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, Primary Zoning District. In addition, one or more Overlay Districts may apply which shall be superimposed over the Primary Zoning District.

SECTION 5.2 OFFICIAL ZONING MAP

The location and boundaries of the districts established by this ordinance are set forth on the "Dodge County Zoning Maps" which are incorporated by reference as part of this Ordinance. The maps include any applicable supporting sheets, notations, references and data. It shall be the responsibility of Environmental Services staff to maintain and update the zoning maps and any amendments thereto. The official Zoning Maps shall be kept on file in the Environmental Services Department.

SECTION 5.3 PRIMARY ZONING DISTRICTS

For purposes of this Ordinance, Dodge County is hereby divided into the following Zoning Districts:

- A Agricultural District
- X Urban Expansion District
- R Rural Residential District
- C Commercial District
- I Industrial District
- CLR Closed Landfill Restricted
- H Hamlet District

SECTION 5.4 OVERLAY DISTRICTS

The following Overlay Districts are also made a part of the Zoning Ordinance on property where both the Zoning District and the Overlay District would apply. The use or development of such property shall comply with both districts. The following symbols and names shall represent Dodge County's Overlay Districts:

Dodge County Zoning Ordinance

- SH Shoreland Overlay District
- FP Flood Plain Overlay District
- TR Transportation Overlay District
- AP Airport Overlay District

5.4.1 SHORELAND OVERLAY DISTRICT

A. ADOPTION BY REFERENCE

The "Protected Waters and Wetlands" inventory (PWI) map for Dodge County, Minnesota dated 1984, is hereby adopted by reference for the purpose of identifying public waters and determining the boundary of the Shoreland Overlay District.

B. DISTRICT BOUNDARY DEFINED

The Shoreland Overlay District is defined as:

- I. Land located within 1,000 from the Ordinary High Water Level (OHWL) of a public (protected) lake, pond or flowage
- II. Land located within 300 feet from the top of the bank (OHWL) of a public (protected) river or stream; or
- III. The landward extent of the floodplain, whichever is greater

C. CLASSIFICATION

The public (protected) waters of Dodge County have been classified below consistent with the criteria found in Minnesota Rules Chapter 6120.3300, and

D. PUBLIC (PROTECTED) WATERS BASINS:

PWI ID #	NAME	CLASS	SECTIONS	TWP	RNG
74-1	Rice Lake	NE*	6,7;1,11,12, 13,14	107	18;19

* NE = Natural Environment Lake

Dodge County Zoning Ordinance

E. PUBLIC (PROTECTED) WATERCOURSES:

NAME	CLASS	FROM			TO		
		SEC	TWP	RNG	SEC	TWP	RNG
N. Branch Middle Fork Zumbro River	Ag	4	108	17	3	108	17
		1	108	17	6	108	16
		6	108	16	6	108	16
		6	108	16	5	108	16
Middle Fork Zumbro River	Trib.	19	108	18	7	108	17
Middle Fork Zumbro River	Ag	7	108	17	12	108	16
Unnamed to MFZR	Trib.	2	108	18	7	108	17
Unnamed to Unnamed	Trib.	2	108	18	2	108	18
Unnamed to MFZR	Trib.	8	108	18	16	108	18
Unnamed to MFZR	Trib.	21	108	17	23	108	17
Milliken Creek	Trib.	31	108	17	9	108	16
Unnamed to MFZR	Trib.	14	108	16	12	108	16
Harkcom Creek	Trib.	33	108	16	12	108	16
South Branch MFZR (SBMFZR)	Ag.	(CSAH 11) 7 (basin 74-1)	107	18	17	107	16
South Branch	Trans.	17	107	16	13	107	16
Unnamed to SBFZR	Trib.	8	107	16	16	107	16
Unnamed to SBFZR	Trib.	(TH 57) 19	107	17	17	107	17
Lower Branch of Middle Fork Zumbro River	Trib.	33	107	18	14	107	17
Unnamed to LBMFZR	Trib.	12	106	18	1	106	18
Unnamed to LBMFZR	Trib.	(TWP RD) 17	106	17	32	107	17
Henslin Creek	Trib.	8	106	17	5	106	17
Unnamed to SBFZR	Trib.	19	107	16	18	107	16
Masten Creek	Trib.	32	107	16	22	107	16
Salem Creek (SC)	Trib.	(TH 14) 29	106	16	24	106	16
Unnamed to LBMFZR	Trib.	12	106	18	1	106	18
Unnamed to LBMFZR	Trib.	17	106	17	32	107	17
Unnamed to SC	Trib.	7	106	16	23	106	16
Unnamed to SC	Trib.	19	106	16	29	106	16
Unnamed to SC	Trib.	32	106	16	28	106	16
South Fork Zumbro River	Trib.	18	105	16	8	105	16
South Fork Zumbro River	Ag.	8	105	16	12	105	16
Unnamed to SFZR	Trib.	6	105	16	6	105	16
Unnamed to SFZR	Ag.	7	105	16	8	105	16
Unnamed to SFZR	Trib.	23	105	16	12	105	16

Dodge County Zoning Ordinance

NAME	CLASS	FROM			TO		
		SEC	TWP	RNG	SEC	TWP	RNG
Unnamed to Unnamed	Trib.	24	105	16	24	105	16
Unnamed to North Branch Root River	Trib.	SE 31	105	16	33	105	16
Cedar River (CR)	Ag.	29	105	17	33	105	18
Unnamed to CR	Trib.	31	105	17	36	105	18
		35	105	18	35	105	18
Unnamed Tributary	Trib.	34	105	17	34	105	17
Unnamed to CR	Trib.	23	105	17	22	105	17
Unnamed to CR	Ag.	21	105	17	29	105	17
Unnamed to CR	Trib.	24	105	18	26	105	18
Little Cedar River	Trib.	16	105	18	28	105	18
Unnamed to CR	Trib.	19	105	18	29	105	18
Unnamed to CR	Trib.	31	105	18	31	105	18

Ag. = Agricultural Watercourse
Trib. = Tributary Watercourse

5.4.2 FLOODPLAIN OVERLAY DISTRICT

A. ADOPTION BY REFERENCE

The *Flood Insurance Rate Map for Dodge County, dated September 24, 1982, (#270548)*, prepared by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference as the Official Floodplain Overlay Zoning District Map and declared part of this Ordinance. The maps and any supporting determinations and data are on file at the Dodge County Environmental Services Department, Mantorville, Minnesota.

FLOOD INSURANCE RATE MAPS		
Community	Panel Number	Effective Date
270548	0025B	September 24, 1982
270548	0050B	September 24, 1982
270548	0075B	September 24, 1982
270548	0100B	September 24, 1982
270548	0125B	September 24, 1982
270548	0150B	September 24, 1982

Dodge County Zoning Ordinance

B. DISTRICT BOUNDARY DETERMINATION

The boundaries of the floodplain district shall be determined by scaling distances on the Official Floodplain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the floodplain district, the Zoning Administrator shall make the necessary interpretation based upon ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or the date of the first National Flood Insurance Program map that placed the site in the floodplain if earlier than the regional (100-year) flood profile, if available. If regulatory (100-year) floodplain elevations are not available, the county shall:

- I. Require a floodplain evaluation consistent with technical provisions of Chapter 10 to determine the regulatory (100-year) flood elevation for the site, and/or
- II. Base its decision on available hydraulic/hydrologic or site elevation data which demonstrates the likelihood the site is within or outside of the floodplain

5.4.3 TRANSPORTATION OVERLAY DISTRICT

A. DISTRICT BOUNDARY DETERMINATIONS

The official map was prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of 25 Feet from the proposed Right of Way shall be reserved on the official map. The accuracy of the future acquisition lines shown on the official map have been attested to by the county surveyor and engineer. Copies of official maps and amendments shall be filed in accordance with section 394.35. One copy of the official map has been furnished to the town clerk of Mantorville township.

The proposed new right of way per Exhibit O located in the East Half (1/2) of the Southeast Quarter (1/4) of Section 35, the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 35, the Southwest Quarter (1/4) of Section 36, and the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 36, all in Township 107 North, Range 16

Dodge County Zoning Ordinance

West, Dodge County, Minnesota

5.4.4 AIRPORT OVERLAY DISTRICT

A. DISTRICT BOUNDARY DETERMINATIONS

The official maps of Exhibit J were prepared in sufficient detail to establishment the boundaries of the Airport Overlay District. Copies of official maps and amendments shall be filed in accordance with section 394.35. One copy of the official map has been furnished to the town clerk of all townships listed in the table below.

The Airport Overlay District affects all or a portion of the following sections of land:

NAME AND NUMBER OF TOWNSHIP	AIR SPACE OBSTRUCTION ZONING: Section 23.4.1 of Ordinance; Page(s) B1 of Exhibit J.	LAND USE SAFETY ZONING: Section 23.4.2 of Ordinance; Page(s) B2, B3, B4 & B5 of Exhibit J.
<u>Wasioja Township</u> T107N, R17W	<u>Sections:</u> 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36	<u>Sections:</u> 25, 26, 27, 28, 33 35, 36
<u>Ashland Township</u> T106N, R17W	<u>Sections:</u> 01, 02, 03, 04, 05, 08, 09, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24	<u>Sections:</u> 01, 02, 03, 04, 09, 10, 11, 12, 13, 14, 15
<u>Mantorville Township</u> T107N, R16W	<u>Sections:</u> 20, 30, 31, 32	<u>Sections:</u> 31
<u>Canisteo Township</u> T106N, R16W	<u>Sections:</u> 05, 06, 07, 08, 18	<u>Sections:</u> 06, 07, 18.

SECTION 5.5 INTERPRETATION OF ZONING MAPS

Dodge County Zoning Ordinance

5.5.1 DISTRICT BOUNDARY DETERMINATIONS

- A. District boundary lines on the maps are intended to follow lot lines, the center lines of roads, streets, alleys, highways and rights-of-way extended or lines parallel or perpendicular thereto; section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law; the Ordinary High Water Level (OHWL) of public water basins and public watercourses; or the corporate limits, all as they exist upon the effective date of this ordinance or changed by a specific amendment thereto.
- B. Where district boundaries are so indicated that they are approximately parallel to the center line of a street, alley, highway or right of way, such district boundary shall be construed as being parallel thereto and at such distance there from as indicated on the maps. If no distance is given, it shall be determined by the Environmental Services Department using the maps and other available information. The location of such boundaries shall not be affected by any future widening or realignment of the adjacent streets or highways unless provisions are made therefore by amendment to this ordinance.
- C. Where district boundaries cross property that is not subdivided, and other provisions herein are applicable, the location of the district line shall be determined by use of the scale on said map.
- D. Where a zoning district boundary line divides a parcel of land or lot which was of record into two or more districts, any portion of such divided lot lying within fifty (50) feet of either side of the dividing district boundary line may be used for any use permitted in either district. If however, the distance exceeds fifty (50) feet, the entire area of the separated portions shall only be used for the uses allowed within their respective zoning districts
- E. Whenever any street, alley or other public right of way is legally vacated by official action of the County or Township and recorded in the Dodge County Recorder's Office, the zoning district on each side of such street, alley or public way shall automatically be extended to the center line.

SECTION 5.6 APPEALS OF DISTRICT BOUNDARIES

Dodge County Zoning Ordinance

Appeals from the Department's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment under the processes defined for Appeals in Chapter 18 of the Ordinance. A judgment by the Commissioner of Natural Resources may also be sought in the event that agreement relative to precise location of shoreland and flood plain district boundaries cannot be obtained.

CHAPTER 6: NONCONFORMITIES

SECTION 6.1 PURPOSE

Within the primary and overlay districts established in this Ordinance or amendments that may later be adopted, certain situations may occur in which an existing lawful use, structure or lot does not comply with the requirements contained in this Ordinance. Except as provided for in Section 6.2, any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of the Dodge County Zoning Ordinance, may be continued, although the nonconformity does not conform to the Ordinance. However, it is the intent of this Chapter to regulate and control, reduce the number or extent of and provide for the gradual elimination of these nonconformities. It is necessary and consistent with the establishment of zoning districts that nonconformities not be permitted to continue without restriction.

Additional standards for nonconformities located in the Shoreland and Flood Plain Overlay are listed in Chapter 14 and Chapter 15, respectively. The standards and processes imposed for nonconformities in the Overlay Districts shall be superimposed over, and in addition to, the standards and administration process for nonconformities identified in this Chapter. In the event the standards or processes of Chapters 14 and 15 of this Ordinance conflict with the standards of this Chapter, the more restrictive shall apply.

SECTION 6.2 PUBLIC NUISANCES & DETRIMENTAL NONCONFORMITIES

- 6.2.1 PUBLIC NUISANCE PROHIBITED. Legal nonconformities which are declared to be a public nuisance shall not be allowed to continue.
- 6.2.2 DETRIMENTAL NONCONFORMITIES. A nonconformity that is determined by the County Board to be detrimental to the achievement of the goals and objectives of the comprehensive plan may be acquired by the Board by purchase. Acquisition by purchase does not apply to nonconformities determined to be a "public nuisance" which is prohibited under Section 6.2.1.
- 6.2.3 COMPENSATION FOR REMOVAL OF LEGAL NONCONFORMING USE, STRUCTURE OR LOT. Notwithstanding any law to the contrary, an ordinance or regulation of a political subdivision of the state or local zoning authority that requires the removal of a legal nonconforming use, structure or lot as a condition or prerequisite for the issuance of a permit, license, or other approval for any use, structure, lot development, or activity constitutes a taking and is prohibited without the payment of just

compensation. This section does not apply if the permit, license, or other approval is requested for the construction of a building or structure that cannot be built, or a conforming use that cannot be legally established without physically moving the existing nonconforming structure. Compensation shall not be provided for a legal nonconforming use, structure or lot that has been determined by the County to be a "public nuisance".

SECTION 6.3 NONCONFORMING USES

6.3.1 STANDARDS

Unless otherwise provided for in this Ordinance, any lawful use existing on the effective date of this Ordinance which is not in conformity with the standards contained in this Ordinance shall only be allowed to continue subject to the following conditions:

- A. **EXPANSION PROHIBITED.** No such use shall be expanded, enlarged or altered, including any increase in volume, intensity or frequency of use of the property where a nonconforming use exists.
- B. **EXPANSIONS TO STRUCTURES DEVOTED TO A NONCONFORMING USE.** Any expansion to the dimension of a structure devoted in whole or part to a nonconforming use is considered to be an expansion of a nonconforming use and is prohibited under Section 6.3.1.A.
- C. **MAINTENANCE.** Normal maintenance and upkeep of a structure devoted in whole or part to a nonconforming use, including non-structural maintenance and repair work is allowed. *Check to see if a Zoning Permit is required.*
- D. **NON-SUBSTANTIAL DAMAGE (LESS THAN 50%).** If a structure devoted to a nonconforming use is damaged by fire or other peril to an extent that is less than fifty percent (50%) of the market value of the structure at the time the use was made nonconforming, as determined by the Dodge County Assessor's Office, the structure may be repaired to its original dimensions (length, width, and height) with issuance of a Zoning Permit.
- E. **SUBSTANTIAL DAMAGE OR DESTRUCTION (50% OR GREATER).** If a structure devoted to a nonconforming use is destroyed by fire or other peril to the extent of fifty percent (50%) of its market value as determined by the Dodge

County Assessor's Office, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

- F. CHANGE PROHIBITED. A change from one nonconforming use to another nonconforming use is prohibited.
- G. USE OF LAND EXTENSION PROHIBITED. A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming.
- H. RELOCATION PROHIBITED. A nonconforming use or structure devoted to a non-conforming use shall not be moved to any other part of its parcel.
- I. DISCONTINUATION OF USE. A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be re-established, and any further use shall be in conformity with this Ordinance, except as provided in Minnesota Statutes, Section 116.0711; or successor statutes.

SECTION 6.4 NONCONFORMING STRUCTURES

6.4.1 STANDARDS

Unless otherwise provided for in this Ordinance, any lawful structure existing on the effective date of this Ordinance which is not in conformity with the setback, size or height requirements contained in this Ordinance is a nonconforming structure and may be allowed to continue subject to the following conditions: a nonconforming structure with a conforming use may be continued through repair, replacement, restoration, maintenance, or improvement, but not including expansion under the provisions and procedures below:

- A. NO INCREASE IN NONCONFORMITY. Unless otherwise provided for in this Ordinance, no nonconforming structure may be relocated and/or modified in any way which increases its nonconformity with the setback, size, height or any other requirements or performance standards of the primary or overlay district in which it is located.
- B. EXPANSION PROHIBITED. Any expansion to the

dimension of a lawful nonconforming structure devoted to a conforming use is prohibited.

C. MAINTENANCE OR NON-STRUCTURAL REPAIR

Normal maintenance of a nonconforming structure, including non-structural maintenance and repair work is allowed.

D. LIMITATIONS ON RESTORATION, STRUCTURAL REPAIR OR OTHER IMPROVEMENT- EXCLUDING FIRE AND OTHER PERIL

The cost of all improvements over the life of a nonconforming structure with a conforming use shall not exceed fifty percent (50%) of the market value at the time it became nonconforming as determined by the Dodge County Assessor's records, unless the entire structure is made conforming. The determination of all structural alterations and additions must include all costs of materials and labor. A Zoning Permit is required to restore, repair or improve a non-conforming structure to ensure compliance with this requirement. The term "improvement" does not include:

I. Any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by Dodge County and which are the minimum necessary to assure safe living conditions.

II. Any alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be defined in 44 Code of Federal Regulations, Part 59.1, or successor.

E. NON-SUBSTANTIAL DAMAGE (LESS THAN 50%). If a lawful nonconforming structure devoted to a conforming use is destroyed by fire or other peril to less than fifty percent (50%) of the market value of the structure at the time the structure was made nonconforming, as determined by the Dodge County Assessor's Office, and the:

I. STRUCTURE IS REPAIRED WITHIN 12 MONTHS

Damaged nonconforming structures can be *repaired* with issuance of a Zoning Permit to pre-damaged dimensions. The Dodge County Assessor's Office shall verify that

damage is less than fifty percent (50%). Restoration shall begin within twelve months or the entire structure shall be made conforming.

II. STRUCTURE IS NOT REPAIRED WITHIN 12 MONTHS

The existing structure must conform to all provisions of the Dodge County Zoning Ordinance for new construction, the performance standards for the use, and all applicable setbacks of the district in which it is located.

F. SUBSTANTIAL DAMAGE OR DESTRUCTION (50% OR GREATER) If a nonconforming structure devoted to a conforming use is destroyed by fire or other peril to the extent of fifty percent (50%) or greater of the market value of the structure at the time the structure was made nonconforming, as determined by the Dodge County Assessor's Office, and the:

I. PERMIT IS APPLIED FOR WITHIN 180 DAYS

Structure can be *repaired* or *replaced* with the issuance of a Zoning Permit to pre-damaged dimensions provided the reconstruction does not increase the nonconformity of the structure. Reasonable conditions may be imposed upon a Zoning Permit in order to mitigate any newly created impact on adjacent property or water body.

II. PERMIT IS NOT APPLIED FOR WITHIN 180 DAYS

The existing structure or any new structure must conform to all provisions of the Dodge County Zoning Ordinance for new construction, the performance standards for the use, and all applicable setbacks of the district in which it is located.

Conditions may be placed upon any Zoning Permit to mitigate any impacts on adjacent property or the water body

G. VOLUNTARY REPLACEMENT (EXCLUDING FIRE OR OTHER PERIL)

The new structure must conform to all provisions of the Dodge County Zoning Ordinance for new construction the performance standards for the use, and all applicable setbacks of the district in which it is located.

- H. RELOCATION. If a nonconforming structure devoted to a conforming use is moved any distance, for any reason, it shall thereafter conform to all provisions of the Dodge County Zoning Ordinance.
- I. DWELLING/FEEDLOTS. Expansion or alterations to existing dwellings or feedlots that do not conform to the required setback for new structures shall follow the procedures of Section 6.6 of this Chapter

SECTION 6.5 NONCONFORMING LOTS

6.5.1 LOTS OF RECORD

All lots or tracts, the plat or deed to which has been recorded in the Office of the County Recorder on or before the effective date of March 2nd, 1971 shall be considered a Lot of Record. A Lot of Record shall be a legally buildable parcel without a variance from lot size requirements even though such parcel may not conform to the lot area, lot width or residential density requirements of the applicable primary or overlay district, if the site can sustain itself for the intended purpose all of the following are met:

- A. The use is permitted in the applicable zoning district; and
- B. The lot or tract has been in separate ownership from abutting lands at all times since it became nonconforming; Lots of record that have been combined after the effective date of March 2nd, 1971 are no longer considered "lots of record" and shall meet the criteria for new buildable lots and any performance standards for new development.
- C. The lot was created compliant with the official controls in effect at the time; and
- D. The applicable setback requirements of this Ordinance are met, or relief is granted by the Board of Adjustment through the variance process; and
- E. The sewage treatment system standards contained in Chapter 21 of this ordinance, or successor ordinance are met.

- F. The lot can sustain itself for its intended purpose

6.5.2 NON-BUILDABLE LOTS

A nonconforming lot that does not meet the criteria of 6.5.1 is considered "non-buildable" under the Dodge County Zoning Ordinance.

6.5.3 RESIDUAL PARCELS

A Lot of Record, as defined in 6.5.1 of this Chapter, that is subsequently reduced to a residual parcel because of a taking or dedication for a public purpose or public right of way shall continue to be considered a Lot of Record and shall be considered a legally buildable parcel if the provisions of Section 6.5.1, Items A – F can be met.

6.5.4 STREET VACATION

A Lot of Record, as defined in 6.5.1 of this Chapter, that is subsequently increased due to the formal vacation of a road undertaken by a public road authority shall continue to be considered a Lot of Record and shall be considered a legally buildable parcel if the provisions of Section 6.5.1, Items A – F can be met.

SECTION 6.6 NONCONFORMING WITH FEEDLOT SETBACK (RECIPRIICAL PROCESS AND SETBACK SITING)

6.6.1 FEEDLOTS

When an expansion is proposed to an existing feedlot that does not meet the setback standards defined Section 16.24.4.F, the FAB shall review and recommend an odor reduction plan that meets an odor annoyance free number of 91% based on the Odor From Feedlot Setback Estimation Tool (OFFSET), as amended. The OFFSET calculation shall be used to predict the odor expected from new buildings and manure storage areas that are included in the proposed expansion. With consideration given to terrain, vegetation barriers and history of complaints, OFFSET calculations may include existing feedlot buildings and manure storage. If the odor reduction plan does not meet the odor annoyance free number then the feedlot expansion proposal may not be permitted, unless the applicant obtains a variance from the Board of Adjustment in accordance with Section 18.11 of this Ordinance.

6.6.2 DWELLINGS – OTHER THAN FEEDLOT OWNER OR OPERATOR

Dodge County Zoning Ordinance

Where an expansion is proposed to an existing dwelling that does not meet the setback standards defined in Section 16.24.4.F, an expansion will be permitted without the need for a variance under nonconformity provisions, provided it does not increase the nonconformity of either the feedlot or dwelling by expanding towards the feedlot. An expansion towards the feedlot is viewed as decreasing the feedlot's ability to comply with the 91% annoyance free OFFSET rating and as a result, increasing the feedlot's potential for the need for a variance in the event an expansion is proposed.

This reciprocal intermediate process only applies for dwellings that are nonconforming with feedlot setbacks. If the dwelling is currently nonconforming with other zoning setbacks or the expansion request results in the need for variance relief from other ordinance setbacks, the applicant will be required to obtain a variance from the Board of Adjustment under the provisions of Section 18.11.

CHAPTER 7 HAMLET DISTRICT

“H”

SECTION 7.1: PURPOSE

The "H" HAMLET District establishes a zoning district to allow a mix of residential, public and limited commercial land uses to co-exist within the same zone district. This district is intended to be applied to “historic” hamlets in the rural areas of Dodge County where homes, churches, public lands, and limited commercial uses are currently present. With the enactment of the official zoning regulations, a majority of the existing properties within these unincorporated town sites became legal “nonconformities”, subject to the development and maintenance restrictions of Chapter 6 (NONCONFORMITIES) and the variance processes of Chapter 18 (ADMINISTRATION) of this Ordinance. The purpose of the Hamlet District is to recognize the existing situation of these historic areas and relieve some of the burden on the development, improvement and maintenance of existing properties.

It is not the intent of the District to create new areas to be developed as hamlets or to extend new building rights to non-burdened property owners. As the areas in this district is currently platted, Minnesota Statutes 505 rules apply with regards to the subdivision land or the proposed use of outlots for new buildable lots. Platted areas or outlots may be subject to re-platting based upon the proposed use of the property. The following areas that will be considered eligible for this zone are the existing historical communities of: Concord and Wasioja. Eligible communities shall request the County Board initiate rezoning on their behalf.

These areas should remain relatively low-density so that they do not require public services, facilities or County Road improvements beyond normal maintenance. Uses in these areas should be of the types that produce only a relatively low volume of wastewater that is able to be serviced by an on-site well and waste water disposal system.

SECTION 7.2 PERMITTED USES.

- 7.2.1 Single family primary dwelling units;
- 7.2.2 Pasture operations or other *Farm Animals Sites* which do not meet the definition of a “feedlot” and/or exceed more than one (1) Animal Unit per acre of grazing or confinement area;
- 7.2.3 Government owned lands and facilities, subject to performance standards for the specific use, when applicable;
- 7.2.4 7.2.4 Public hiking/biking trails, parks, historical and/or cultural sites, and other non-motorized recreation areas;
- 7.2.5 Home Occupations, provided all performance standards for the use can be met and adequate sewage/waste treatment is available;

- 7.2.6 Minor Essential Services;
- 7.2.7 Micro-WECS
- 7.2.8 Accessory structures customarily incidental to any of the above permitted uses when located on the same property.

SECTION 7.3 CONDITIONAL USES

The following uses may be allowed in the "H" HAMLET DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 18 of this Ordinance.

- 7.3.1 All uses that currently and legally exist as identified and documented on the date of adoption of this section are considered conforming.
- 7.3.2 Uses considered compatible with, or complementary to, an identified historic district;

SECTION 7.4 INTERIM USES

- 7.4.1 Limited Rural Business

SECTION 7.5 PERFORMANCE STANDARDS

- 7.5.1 MINIMUM LOT DIMENSIONS

Prior to the creation of new parcels through surveys or recording of deeds splitting property, check with the Environmental Services Department.

For all uses subject to the CUP or IUP process, the size of the lots, structures or building shall be determined during the CUP or IUP process. The minimum lot size shall be that which is necessary to sustain the use for the intended purpose. This includes, but is not limited, the area required for principal and accessory structures, water supply, sewage treatment and any other performance standards for the proposed use listed in Chapter 16. There may be instances in which a Zoning Permit request for a new accessory building may be denied for an existing permitted use if the Department determines that there is not a location identified for sewage treatment system replacement, or the impervious surface coverage of the lot exceeds the maximum coverage and additional storm water impacts are not able to be mitigated.

Splits of existing lots less than three acres will not be permitted unless the split results in an increase in all lot sizes. Any existing outlot proposed for new development would be subject to re-platting in accordance with Minnesota Statutes 505 requirements.

All proposed uses and structures for that use shall be compatible with the design of the adjacent structures and/or the character of the Hamlet.

7.5.2 “H” DISTRICT STRUCTURE SETBACKS

The following are the minimum structure setbacks for the “H” District. In addition to these minimum standards, there may be additional setbacks required for the specific USE listed in Chapter 16 (Performance Standards) or the provisions of permit.

RESOURCE/USE	PRINCIPAL STRUCTURE	ACCESSORY STRUCTURE
Principal Structure	NA	NA
Accessory Structure	NA	NA
Septic/Pump Tank	10'	10'
Drainfield	20'	20' ^{**}
Well	3'	3'
Township Road	25'	25'
County Road ROW	25'	25'
Property Line	15'	10'
OHW	100'	100'

^{**}Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse effect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

7.5.3 “H” DISTRICT USE SETBACKS

Please refer to Chapter 16 (Performance Standards) for additional performance standards and setbacks for the specific USES listed Sections 7.2, 7.3 and 7.4 within the Hamlet District. The most restrictive standard will apply.

CHAPTER 8: AGRICULTURAL DISTRICT "A"

SECTION 8.1 PURPOSE

The purpose of the Agricultural District is to retain, conserve, and enhance agricultural land in Dodge County and to protect this land from scattered residential development.

SECTION 8.2 AGRICULTURAL COVENANT ("AG COVENANT")

Dodge County views the Agricultural District as a zone in which land is used primarily for Agricultural uses and crop production. When an owner of land in the Agricultural District is legally engaged in an appropriate Agricultural use of a property and is in compliance with Ordinance, permit provisions and/or other applicable regulations for the Agricultural use, then such use is a part of "normal and accepted agricultural practices and operations" in Dodge County. Owners, residents, and other users of property in this district may be inconvenienced from, exposed to, or impacted by *normal and accepted agricultural practices and operations*, including but not limited to: noise, odors, dust, operation of machinery of any kind including aircraft, flying debris, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of property within the Agricultural District should be prepared to accept such inconveniences, exposure or impacts from *normal and accepted agricultural operations*, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal agricultural operations.

The Ag Covenant applies to all non-agricultural uses located in the Dodge County's Agricultural District, listed in this Chapter. For all non-agricultural uses which are required to obtain a CUP or IUP, the Ag Covenant is required to be signed, notarized and separately recorded in the Dodge County Recorder's Office in a manner that will cause it to be viewed and acknowledged during title search on all properties located within Dodge County.

SECTION 8.3: PERMITTED USES

- 8.3.1. One single family Primary Dwelling Unit on an individual parcel containing fifty-three (53) acres or more

- 8.3.2. One split of the existing building site which creates a new parcel containing a building site that is less than fifty-three (53) acres. This split will be counted as new single family Primary Dwelling Unit on less than fifty-three (53) acres and applies towards the density limitation of no more than one (1) dwelling on less than fifty-three acres per quarter section (160 acres) of land. Splits shall meet all performance standards and sewage treatment requirements for newly created lots

- 8.3.3 Crops and horticulture, but not including processing or on-site sales of processed products

Dodge County Zoning Ordinance

- 8.3.4 Apiaries
- 8.3.5 *Farm animals Sites* that are less than 500 animal units, subject Minnesota Rules Chapter 7020, as amended and performance standards of Chapter 16
- 8.3.6 Public parks and lands for wildlife, forest, and wetland management areas
- 8.3.7 Home occupations
- 8.3.8 Public non-motorized trails
- 8.3.9 Minor Essential Services
- 8.3.10 Temporary Meteorological Towers less than two hundred (200) feet in total height and removed in five (5) years or less
- 8.3.11 Township Halls and local government maintenance facilities
- 8.3.12 Supplemental Agricultural Use Storage
- 8.3.13 Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same parcel

SECTION 8.4: CONDITIONAL USES

- 8.4.1 Agricultural sales business
- 8.4.2 Grain and feed sales, fertilizer plants, farm implement repair shops, livestock sales barns
- 8.4.3 Migrant camps
- 8.4.4 Establishment, expansion and/or modification of existing *Farm animals Sites* of 500 or more animal units
- 8.4.5 Major Essential Services
- 8.4.6 Towers, satellite arrays & antennas
- 8.4.7 Airports
- 8.4.8 Demolition Debris Disposal Facility Permit by Rule
- 8.4.9 Construction and Demolition Land Disposal Facility Debris
- 8.4.10 Land Treatment Sites for the application of petroleum contaminated soils

Dodge County Zoning Ordinance

- 8.4.11 Campgrounds
- 8.4.12 Golf courses
- 8.4.13 Gun clubs and shooting ranges
- 8.4.14 Commercial Kennels.
- 8.4.15 Cemeteries
- 8.4.16 Wind Energy Conversion Systems (WECS)
- 8.4.17 Fairgrounds
- 8.4.18 Solar Energy Farms
- 8.4.19 Agritourism Activity that is determined to be compatible with the purpose of the Agricultural District by the County Board

SECTION 8.5: INTERIM USES

- 8.5.1 One Single Family Primary Dwelling Unit on an individual parcel of land less than fifty-three (53) acres, provided:
 - A. The quarter section has not previously received a CUP or IUP for a Non-Farm Dwelling, or
 - B. The quarter section had not been previously closed through the creation of a new parcel which contains a dwelling under Section 8.3.2 of Permitted Uses.
 - C. Additional dwelling density may be allowed in a closed quarter section when a township has adopted by resolution specific criteria and a review procedure to determine which land may be suitable for increased density through a public township meeting process. The criteria developed by the township shall be reviewed and approved by the Dodge County Board of Commissioners to ensure consistency with the Comprehensive Land Use Plan, the Purpose of the Agricultural Zoning District and the Dodge County Zoning Ordinance. For townships that do not pursue the option of additional dwelling density per this item, the density limits of the Dodge County Zoning Ordinance apply.
- 8.5.2 One Temporary Second Dwelling Unit for a period of no more than five (5) years, provided:
 - A. The quarter section of land does not have an existing active IUP for a Temporary Second Dwelling Unit, or

- B. The quarter section of land has not previously received a CUP or IUP for a Second Farm or Non-Farm dwelling with a “sunset” provision as a condition of the permit, and
- C. All performance standards for Temporary Second Dwelling Units listed in Chapter 16 can be met without the need for variances
- D. Temporary Second Dwelling Units are not permitted on parcels that have received the density bonus under Section 8.5.1.C, above

8.5.3 Quarrying operations, sand and gravel extraction, other mineral or material excavation activities which exceed 50 cubic yards in total

8.5.4 Temporary asphalt hot-mix plants or concrete plants utilized for specific road projects located within Dodge County, on land located outside of an existing mine permitted by Dodge County

8.5.5 Limited Rural Businesses

8.5.6 Meteorological Towers equal to or greater than 200 feet in total height and/or located on site for longer than five (5) years

8.5.7 Private Kennels

SECTION 8.6: PERFORMANCE STANDARDS

8.6.1 GENERAL SETBACKS

Unless there are specific setbacks listed in Chapter 16 of this Ordinance for the *Permitted, Conditional or Interim Uses* listed in the Agricultural Zoning District, following general setbacks apply:

DISTANCE FROM: TO: RESOURCE/USE	PRINCIPAL STRUCTURE SETBACK (FT)	ACCESSORY STRUCTURE SETBACK (FT)
Septic/Pump Tank	10'	10'
Drainfield*	20'	20'
Well	3'	3'
Road right of way	50'	50'
Property Line**	25'	25' ***

*Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

**For the purposes of constructing or reconstructing existing structures located upon a *Section Line Divided Building Site* defined under Chapter 4, structures divided by, or nonconforming with, the section line may also be considered compliant with this section.

*** A ten (10) foot setback from property line (side or rear) for an accessory structure may be permitted if the permittee acknowledge receipt and understanding of an Ag Covenant with personal signature and date and then record the signed

Dodge County Zoning Ordinance

acknowledgement. Accessory structures related to the keeping of *Farm Animals* may require greater setbacks.

8.6.2 LOT DIMENSIONS

The dimensions listed are considered the minimum dimensions necessary under ideal conditions. Additional, length, width and/or area may be required to accommodate structure setbacks, specific use setbacks, sewage treatment requirements and/or physical constraints which limit the buildable area of the property.

LOT	MINIMUM
Length (ft)	None
Width at setback (ft)	150'
Area* (acres)	3 acres

* Area given is exclusive of Road Right-of-Way. For the purposes of constructing or reconstructing existing structures, lots meeting the definition of a *Section Line Divided Building Site* under Chapter 4 may also be considered compliant with this section.

8.6.3 IMPERVIOUS SURFACE COVERAGE

Impervious surface coverage shall meet the performance standards of Chapter 16, when applicable.

8.6.4 HEIGHT LIMITS

Structures are governed under the performance standard for the use, when identified.

Structures located within an Airport Zone, emergency services communication corridors or in the Shoreland Overlay District shall comply with the applicable height limitations.

CHAPTER 9: CLOSED LANDFILL RESTRICTED DISTRICT (CLR)

SECTION 9.1 PURPOSE

The Closed Landfill Restricted (CLR) Zoning District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota 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 apply whether the landfill is in public or private ownership.

The Closed Landfill Use Plan — Dodge County Landfill report dated February 8th, 2013 (revised April 8th, 2013) or as amended by the Minnesota Pollution Control Agency is adopted by reference as a part of the CLR District and is included as Appendix N of the Dodge County Zoning Ordinance. In addition, where the boundary of the MPCA’s proposed land management district divides an existing parcel, the entire parcel will be included as part of the CLR Zoning District.

For purposes of this ordinance, the Closed Landfill Restricted District is described as:

PARCEL A DESCRIPTION

That part of the West Half of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Beginning at the southwest corner of the Northwest Quarter of said Section 28, thence South 00 degrees 00 minutes 03 seconds West along the west line of the Southwest Quarter of said Section 28, 400.00 feet; thence South 89 degrees 54 minutes 48 seconds East 1591.17 feet; thence North 00 degrees 05 minutes 12 seconds East 400.00 feet to the south line of said Northwest Quarter; thence North 00 degrees 04 minutes 18 seconds East 1756.87 feet to the north line of the South Two-Thirds of said Northwest Quarter; thence North 89 degrees 57 minutes 33 seconds West along said north line 941.71 feet; thence North 00 degrees 06 minutes 07 seconds East 149.74 feet; thence North 89 degrees 44 minutes 05 seconds West 350.00 feet; thence North 00 degrees 08 minutes 31 seconds East 50.00 feet; thence North 89 degrees 55 minutes 28 seconds West 300.00 feet to the west line of said Northwest Quarter; thence South 00 degrees 04 minutes 40 seconds West along said west line 1956.87 feet to the point of beginning.

Said parcel contains 81.38 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL B DESCRIPTION

That part of the Northeast Quarter of Section 29, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Beginning at the northeast corner of said Northeast Quarter, thence North 89 degrees 40

minutes 04 seconds West along the north line of said Northeast Quarter 250.00 feet; thence South 00 degrees 04 minutes 40 seconds West, parallel with the east line of said Northeast Quarter, 1323.04 feet; thence North 89 degrees 35 minutes 09 seconds West 130.00 feet; thence South 00 degrees 04 minutes 40 seconds West 1322.88 feet to the south line of said Northeast Quarter; thence South 89 degrees 30 minutes 46 seconds East along said south line 380.00 feet to the east line of said Northeast Quarter; thence North 00 degrees 04 minutes 40 seconds East along said east line 2646.76 feet to the to the point of beginning.

Said parcel contains 19.14 acres, more or less. Subject to County Road right of way easement over the easterly 50 feet thereof.

PARCEL C DESCRIPTION

That part of the West Half of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 28, thence South 00 degrees 00 minutes 03 seconds West along the west line of the Southwest Quarter of said Section 28 80.00 feet to the point of beginning of the parcel to be described; thence South 00 degrees 00 minutes 03 seconds West along the west line of the Southwest Quarter of said Section 28 320.00 feet; thence South 89 degrees 54 minutes 48 seconds East 1591.17 feet; thence North 00 degrees 05 minutes 12 seconds East 320.00 feet; thence North 89 degrees 54 minutes 48 seconds West 1591.66 feet to the point of beginning.

Said parcel contains 11.69 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL A1 LANDFILL DESCRIPTION (PART OF PARCEL A)

That part of the Northwest Quarter of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the southwest corner said Northwest Quarter, thence North 00 degrees 04 minutes 40 seconds East along the west line of said Northwest Quarter 450.00 feet to the point of beginning of the parcel to be described; thence South 89 degrees 55 minutes 20 seconds East 1223.00 feet; thence North 00 degrees 04 minutes 40 seconds East 700.00 feet; thence North 89 degrees 55 minutes 20 seconds West 265.00 feet; thence North 65 degrees 40 minutes 08 seconds West 631.05 feet; thence North 89 degrees 48 minutes 19 seconds West 382.65 feet to the west line of said Northwest Quarter; thence South 00 degrees 04 minutes 40 seconds West along said west line 960.00 feet to point of beginning.

Said parcel contains 23.65 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL A2 BUFFERLAND DESCRIPTION (PART OF PARCEL A)

That part of the Northwest Quarter of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota described as follows:

Commencing at the southwest corner said Northwest Quarter, thence North 00 degrees 04 minutes 40 seconds East along the west line of said Northwest Quarter 450.00 feet; thence South 89 degrees 55 minutes 20 seconds East 1223.00 feet; thence North 00 degrees 04 minutes 40 seconds East 700.00 feet to the point of beginning of the parcel to be described; thence North 89 degrees 55 minutes 20 seconds West 265.00 feet; thence North 65 degrees 40 minutes 08 seconds West 631.05 feet; thence North 89 degrees 48 minutes 19 seconds West 382.65 feet to the west line of said Northwest Quarter; thence North 00 degrees 04 minutes 40 seconds East along said west line 546.87

feet; thence South 89 degrees 55 minutes 28 seconds East 300.00 feet; thence South 00 degrees 08 minutes 31 seconds West 50.00 feet; thence South 89 degrees 44 minutes 05 seconds East 350.00 feet; thence South 00 degrees 06 minutes 07 seconds West 149.74 feet; thence South 89 degrees 57 minutes 33 seconds East along the north line of the South Two-Thirds of the Northwest Quarter 573.12 feet; thence South 00 degrees 04 minutes 40 seconds West 606.50 feet to the point of beginning.

Parcel contains 15.61 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL A3 C&D LANDFILL DESCRIPTION (PART OF PARCEL A)

That part of the Northwest Quarter of Section 28, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Beginning at the southwest corner of said Northwest Quarter, thence North 00 degrees 04 minutes 40 seconds East along the west line of said Northwest Quarter 450.00 feet; thence South 89 degrees 55 minutes 20 seconds East 1223.00 feet; thence South 00 degrees 04 minutes 40 seconds West 450.07 feet to the south line of said Northwest Quarter; thence North 89 degrees 54 minutes 48 seconds West along said south line 1223.00 feet to the point of beginning.

Said parcel contains 12.64 acres, more or less. Subject to County Road right of way easement over the westerly 50 feet thereof.

PARCEL B1 BUFFERLAND DESCRIPTION (PART OF PARCEL B)

That part of the Northeast Quarter of Section 29, Township 107 North, Range 16 West, Dodge County, Minnesota described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 29, thence North 00°04'40" East along the east line of said Northeast Quarter 450.00 feet to the point of beginning of the parcel to be described; thence continue north along said east line 1306.87 feet; thence North 89°55'20" West 200.00 feet; thence South 00°04'40" West, parallel with said east line 1306.87 feet; thence South 89°55'20" East 200.00 feet to the point of beginning.

Said parcel contains 6.00 acres, more or less. Subject to County Road right of way easement over the easterly 50 feet thereof.

SECTION 9.2 PERMITTED USES

The following uses are permitted within the CLR District

- A. Closed Landfill Management
- B. Waste Recycling and Transfer Station,
- C. ATV Training Course
- D. Compost Site
- E. Wood storage and wood chipping

- F. General farming including the raising of crops and horticulture. These uses may be located only outside of the Methane Area of Concern as identified in the Closed Landfill Use Plan.
- G. Natural area management and establishment of prairie, woodland or other native vegetation and habitat.

SECTION 9.3 ACCESSORY USES

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 shall apply under these provisions. Accessory solar energy systems for the purpose of providing electricity to the facility are also included.

SECTION 9.4 CONDITIONAL USES

Conditional uses shall be limited to uses that do not damage the integrity of the *Land Management Area (LMA)* as identified in the Minnesota Pollution Control Agency's "Closed Landfill Use Plan for the Dodge County Landfill" dated February 8th, 2013 and revised April 8th, 2013 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 Dodge County Board of Commissioners if proposed within the MPCA's LMA. 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.

The following conditional uses are permitted within the CLR District:

- A. Solar Energy Farm

SECTION 9.5 PROHIBITED USES AND STRUCTURES

All other uses and structures not specifically allowed, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

SECTION 9.6 GENERAL REGULATIONS

All uses shall meet the Performance Standard of Chapter 16 and the Development

Standards of Chapter 17 of this Ordinance.

SECTION 9.7 AMENDMENTS

Any amendment to this Chapter within the LMA identified in the Closed Landfill Use Plan must be approved by the Commissioner of the Minnesota Pollution Control Agency and the Dodge County Board of Commissioners in accordance with the administrative process for amendments defined in Chapter 18 of this Ordinance.

CHAPTER 10: URBAN EXPANSION DISTRICT "X"

SECTION 10.1: PURPOSE OF URBAN EXPANSION DISTRICT

To provide a district that designates areas of the County in close proximity to urban areas that are experiencing development pressures, and where future land use expansion is planned in accordance with city comprehensive land use plans and Future City Boundary Maps. As cities develop new Future City Boundary Maps or change existing maps, amendments to Exhibit Q may occur. In determining acceptable uses for this district, the county's goal is to only allow development that is compatible with the adjacent city's future land use plans and does not create nonconforming uses once property is annexed. In addition, the county's goal with future rezoning of this Urban Expansion District is to promote compact, smart growth starting from the city boundary and progressing out towards the Agricultural District over time.

SECTION 10.2 EXISTING USES

Lawfully existing permitted, conditional or interim uses that are not listed in Sections 10.4, 10.5 or 10.6 of this Chapter, shall be subject to the provisions for nonconformities identified in Chapter 6 of this Ordinance.

SECTION 10.3 PROPOSED LAND USES

For proposed land uses that are not listed in Sections 10.4, 10.5 or 10.6 of this Chapter, but are consistent with the Future Land Use Plan of the adjacent city, rezoning of the property or annexation to the city will be required to use the property for the intended purpose.

SECTION 10.4: PERMITTED USES IN THE URBAN EXPANSION DISTRICT

The following uses may be allowed as a Permitted Use only when they are determined to be consistent with the adjacent city's comprehensive land use plans and future land use maps/plans. The applicant shall provide verification to the Department from the adjacent city(ies) that the proposed land use is acceptable to the city(ies).

- 10.4.1 *One Single Family Primary Dwelling Unit* on an individual parcel containing thirty-five (35) acres or more;
- 10.4.2 Splits of an existing building site which creates a new parcel containing a building site that is less than thirty-five (35)

acres. This split will be counted as new *Single Family Primary Dwelling Unit* and applies towards the density limitation of no more than one (1) dwelling per quarter section (160 acres) of land. Splits shall meet all performance standards and sewage treatment requirements for newly created lots.

- 10.4.3 Crops and horticulture, but not including processing or on-site sales of processed agricultural products;
- 10.4.4 Apiaries;
- 10.4.5 Public parks and lands for forest, wildlife and wetland management areas;
- 10.4.6 *Home Occupations*;
- 10.4.7 Public trails;
- 10.4.8 *Minor Essential Services*;
- 10.4.9 Township halls and local government maintenance facilities
- 10.4.10 Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property. Accessory uses involving the keeping of animals shall comply with Section 10.7.5, below.

SECTION 10.5: CONDITIONAL USES

The following uses may be allowed as a Conditional Use only when they are determined to be consistent with the adjacent city's comprehensive land use plan and future land use maps/plans. The applicant shall provide verification to the Department from the adjacent city that the proposed land use is acceptable to the city.

- 10.5.1 Agricultural sales business;
- 10.5.2 Golf courses;
- 10.5.3 Commercial Kennels
- 10.5.4 Cemeteries
- 10.5.5 Local government maintenance facilities

SECTION 10.6: INTERIM USES

The following uses may be allowed as an Interim Use only when they are determined to be consistent with the adjacent city’s comprehensive land use plan and future land use maps/plans. The applicant shall provide verification to the Department from the adjacent city that the proposed land use is acceptable to the city.

10.6.1 *One Single Family Primary Dwelling Unit* on an individual parcel of land less than thirty-five (35) acres, provided:

- A. The quarter section has not previously received a CUP or IUP for a Non-Farm Dwelling, or
- B. The quarter section had not been previously closed through the creation of a new parcel which contains a dwelling under Section 10.4.2 above.

10.6.2 *Limited Rural Business*

SECTION 10.7: DISTRICT PERFORMANCE STANDARDS

10.7.1 GENERAL SETBACKS

Unless there are specific setbacks listed in Chapter 16 of this Ordinance for the *Permitted, Conditional* or *Interim Uses* listed in the Urban Expansion Zoning District, following general setbacks apply:

DISTANCE FROM: TO: RESOURCE/USE	PRINCIPAL STRUCTURE SETBACK (FT)	ACCESSORY STRUCTURE SETBACK (FT)
Septic/Pump Tank	10'	10'
Drainfield*	20'	20'
Well	3'	3'
Road right of way	50'	50'
Property Line	25'	10'

Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

10.7.2 LOT DIMENSIONS

The dimensions listed are considered the minimum dimensions necessary under ideal conditions. A greater minimum lots size may be required depending upon the use. Additional, length, width and/or area may be required to accommodate structure setbacks, specific use setbacks,

sewage treatment requirements and/or physical constraints which limit the buildable area of the property.

LOT	MINIMUM
Length (ft)	None
Width (ft)	¼ mile
Area* (acres)	3 acres

* Area given is exclusive of Road Right-of-Way. Acreage of the parcel must be contained in the same quarter-quarter section of land.

10.73 IMPERVIOUS SURFACE COVERAGE

Impervious surface coverage shall meet the performance standards of Chapter 16, when applicable. Structures located in the Shoreland Overlay District shall comply with impervious surface standards of Chapter 14.

10.74 HEIGHT LIMITS

Structures are governed under the performance standard for the use, when identified.

Structures located within an Airport Zone, emergency services corridor, or located in the Shoreland Overlay District shall comply with the applicable height limitations.

10.7.5 ACCESSORY USES – KEEPING OF ANIMALS

A. DOMESTIC ANIMALS

The keeping of domestic animals shall not meet the definition of a “kennel” under Chapter 4 of this Ordinance unless permitted as a Commercial Kennel under Section 10.5.3, above.

B. FARM ANIMALS

Animal Feedlots as defined in Minnesota Rules Chapter 7020 are prohibited. Limited numbers of *Farm Animals* regulated under Minnesota Rules Chapter 7020 may be allowed when compliant with the adjacent cities regulations regarding the keeping of *Farm Animals*. In these instances, the property owner must provide the following to the Department:

- I. Written verification from the adjacent city that the *Farm Animals* proposed to be on site would be allowed with the city limits and meet all city requirements upon annexation. The city may choose to waive this requirement upon its discretion based upon the potential annexation date of the property or other reasons. However, city waiver does not exempt the property owner from the prohibition on feedlots located within the Urban Expansion District if the site cannot be managed to prevent feedlot conditions from developing.
 - II. A registration form for all *Farm Animals* shall be submitted to the Department on an annual basis. All state and local setbacks and other requirements must be met
- C. The provisions for the Keeping of Animals identified on Chapter 17 may conflict with this Chapter, the more restrictive provisions apply.

CHAPTER 11: RURAL RESIDENTIAL DISTRICT "R"

SECTION 11.1: PURPOSE

To provide a district for low density single family detached residential dwelling units and their directly related, complementary uses.

SECTION 11.2: PERMITTED USES

- 11.2.1 Single family primary dwelling units;
- 11.2.2 Limited agriculture, including *Farm Animals* not to exceed one (1) animal unit per fenced acre to a maximum of 10 animal units and in compliance with Chapter 17, section 17.15;
- 11.2.3 Public Parks and non-motorized trail systems
- 11.2.4 Home occupations
- 11.2.5 Day care facility for a maximum of twelve (12) children in a single family residence
- 11.2.6 Minor Essential Services
- 11.2.7 Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

SECTION 11.3: CONDITIONAL USES

- 11.3.1 Churches, chapels, temples, and synagogues and other places of worship
- 11.3.2 Day care facility for thirteen (13) to sixteen (16) children
- 11.3.3 Golf courses, clubhouses, and golf course accessory buildings;
- 11.3.4 Residential subdivisions subject to and meeting all requirements of Chapter 20

SECTION 11.4: INTERIM USES

- 11.4.1 Limited Rural Businesses

SECTION 11.5: DISTRICT PERFORMANCE STANDARDS

- 11.5.1 GENERAL SETBACKS

Unless there are specific setbacks listed in Chapter 16 of this Ordinance for the *Permitted, Conditional or Interim Uses* listed in the Rural Residential Zoning District, following general setbacks apply:

DISTANCE FROM: TO: RESOURCE/USE	PRINCIPAL STRUCTURE SETBACK (FT)	ACCESSORY STRUCTURE SETBACK (FT)
Septic/Pump Tank	10'	10'
Drainfield*	20'	20'
Well	3'	3'
Road right of way	50	50'
Property Line	25'	10'

Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies

11.5.2 LOT DIMENSIONS

The dimensions listed are considered the minimum dimensions necessary under ideal conditions. Additional, length, width and/or area may be required to accommodate structure setbacks, specific use setbacks, sewage treatment requirements and/or physical constraints which limit the buildable area of the property.

LOT	MINIMUM
Length (ft)	None
Width (ft)	None
Area* (acres)	3 acres

* Area given is exclusive of Road Right-of-Way.

11.5.3 STRUCTURE HEIGHT

Structures are governed under the performance standard for the use, when identified.

Structures located within an Airport Zone, emergency services communication corridor, or located in the Shoreland Overlay District shall comply with the applicable height limitations.

CHAPTER 12 : COMMERCIAL DISTRICT "C"

SECTION 12.1: PURPOSE

To provide a district for limited commercial development and their related, complementary uses in the unincorporated area of Dodge County. Such development shall be suited for location in areas where public water and sewer are not available and will not impair the traffic carrying capabilities of abutting roads and highways.

SECTION 12.2: PERMITTED USES

- 12.2.1 Agricultural Product Sales, excluding processing and packaging
- 12.2.2 Commercial greenhouses including retail sales
- 12.2.3 Lumber yards, landscaping materials sales, or sales of other types of construction materials;
- 12.2.4 Banks, accounting offices, insurance offices, real estate offices, title companies and other similar small business uses producing only domestic strength waste
- 12.2.5 Retail sales including dry goods store, furniture stores, off-sale liquor stores, hardware, or other business activity of the same general type
- 12.2.6 Service based skilled trade businesses
- 12.2.7 Governmental buildings;
- 12.2.8 Minor Essential Services;
- 12.2.9 Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

SECTION 12.3: CONDITIONAL USES

- 12.3.1 Automobile and farm implement sales yards;
- 12.3.2 Automobile parts and equipment sales
- 12.3.3 Restaurants, cafes and other onsite food and beverage service oriented businesses, excluding taverns, bars and adult uses and/or businesses
- 12.3.4 Boarding kennels and grooming businesses
- 12.3.5 Advertising Signs (Billboards and other off-premise signs)

12.3.6 Major Essential Services

12.3.7 Other business activity of the same general character as determined by the Planning Commission and the County Board.

SECTION 12.4 INTERIM USES

12.4.1 Temporary contractor’s yards

SECTION 12.5: DISTRICT PERFORMANCE STANDARDS

12.5.1 SITING OF LOTS

All lots upon which improvements are to be made in this district shall abut a publicly dedicated road.

12.5.2 GENERAL SETBACKS

Unless there are specific setbacks listed in Chapter 16 of this Ordinance for the *Permitted, Conditional or Interim Uses* listed in the Commercial Zoning District, following general setbacks apply:

DISTANCE FROM: TO: RESOURCE/USE	PRINCIPAL STRUCTURE SETBACK (FT)	ACCESSORY STRUCTURE SETBACK (FT)
Septic/Pump Tank	10'	10'
Drainfield*	20'	20'
Well	3'	3'
Road right of way	50'	50'
Property Line	25'	10'

Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

12.5.3 LOT DIMENSIONS

The dimensions listed are considered the minimum dimensions necessary under ideal conditions. Additional, length, width and/or area may be required to accommodate structure setbacks, specific use setbacks, sewage treatment requirements and/or physical constraints which limit the buildable area of the property.

LOT	MINIMUM
Length (ft)	None
Width (ft)	150'
Area* (acres)	3 acres

* Area given is exclusive of Road Right-of-Way.

12.5.4 LOT COVERAGE

A STRUCTURE COVERAGE

Not more than forty percent (40%) of the lot or parcel shall be occupied by structures.

B. IMPERVIOUS SURFACE COVERAGE

Impervious surface coverage shall meet the performance standards of Chapter 16, when applicable.

12.5.5 HEIGHT LIMITS

Structures are governed under the performance standard for the use, when identified.

Structures located within an Airport Zone, emergency services communication corridor, or located in the Shoreland Overlay District shall comply with the applicable height limitations.

CHAPTER 13: INDUSTRIAL DISTRICT "I"

SECTION 13.1: PURPOSE

To provide a district for limited industrial development and their related, complementary uses in the rural portion of Dodge County. Such development shall be suitable for areas not serviced by public water and sewer and which will not impair the traffic carrying capabilities of abutting roads and highways.

SECTION 13.2: PERMITTED USES

- 13.2.1 General manufacturing and fabrication facilities, including machine shops, blacksmiths, welding, or other metal shops;
- 13.2.2 Any production, processing, cleaning, servicing, testing, or storage of materials, goods or products which shall not be injurious or offensive to occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic materials, odors, fire or explosive hazards or glare;
- 13.2.3 Cartage and express facilities;
- 13.2.4 Monument works; and
- 13.2.5 Minor Essential Services
- 13.2.6 Accessory structures customarily incidental to any of the above permitted uses when located on the same property.

SECTION 13.3: CONDITIONAL USES

- 13.3.1 Grain elevators and storage facilities;
- 13.3.2 Junk yards or salvage yards and used auto parts sales
- 13.3.3 Fuel processing and storage facilities for the production of ethanol, methanol, or alcohol; and
- 13.3.4 Agricultural product processing and packaging
- 13.3.5 Major Essential Services
- 13.2.6 Accessory structures customarily incidental to any of the above conditional uses when located on the same property.

SECTION 13.4: INTERIM USES

13.4.1 Temporary asphalt hot-mix plants or concrete plants utilized for specific road projects located within Dodge County

13.4.2 Contractors yards

SECTION 13.5: DISTRICT PERFORMANCE STANDARDS

13.5.1 SITING OF LOTS

All lots upon which improvements are to be made in this district shall abut a publicly dedicated road.

13.5.2 GENERAL SETBACKS

Unless there are specific setbacks listed in Chapter 16 of this Ordinance for the *Permitted, Conditional* or *Interim Uses* listed in the Industrial Zoning District, following general setbacks apply:

DISTANCE FROM: TO: RESOURCE/USE	PRINCIPAL STRUCTURE SETBACK (FT)	ACCESSORY STRUCTURE SETBACK (FT)
Septic/Pump Tank	10'	10'
Drainfield*	20'	20'
Well	3'	3'
Road right of way	50	50'
Property Line	25'	10'
OHW (Shoreland Only)	100'	100'

Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

13.5.3 LOT DIMENSIONS

The dimensions listed are considered the minimum dimensions necessary under ideal conditions. Additional, length, width and/or area may be required to accommodate structure setbacks, specific use setbacks, sewage treatment requirements and/or physical constraints which limit the buildable area of the property.

LOT	MINIMUM
Length (ft)	None
Width (ft)	150'
Area* (acres)	3 acres

* Area given is exclusive of Road Right-of-Way.

13.5.4 IMPERVIOUS SURFACE COVERAGE

No more than sixty percent (60%) of the lot or parcel shall be occupied by structures, buildings and other impervious surface. Impervious surface coverage limits must also meet the Performance Standards for the Use of Chapter 16, when applicable.

13.5.5 HEIGHT LIMITS

Structures are governed under the performance standard for the use, when identified.

Structures located within an Airport Zone, emergency services communication corridor, or located in the Shoreland Overlay District shall comply with the applicable height limitations.

CHAPTER 14 Shoreland Overlay District "SH"

SECTION 14.1 STATUTORY AUTHORIZATION

The provisions of this section are adopted pursuant to Minnesota Statutes, Chapters 103F and 394, and Minnesota Regulations, Parts 6120.2500 - 6120.3900 as amended.

SECTION 14.2 GENERAL PROVISIONS

14.2.1 LAND TO WHICH THIS CHAPTER APPLIES

This section shall apply to all land designated as shoreland area within the jurisdiction of Dodge County. This minimum area includes lands one thousand (1,000) feet landward from the Ordinary High Water Level (OHWL) of all protected water basins and three hundred (300) feet landward from the OHWL of all public watercourses, or the landward extent of the regulatory floodplain, whichever is greater. Basins and watercourse that are protected are identified on the Protected Waters and Wetlands Map and listed in Chapter 5 of this Ordinance.

14.2.2 COMPLIANCE

The use of any shoreland, the size and shape of lots, the building of new, the alteration of existing structures, the installation and maintenance of water supply or waste treatment systems shall be in full compliance with the terms of this Chapter and other applicable regulation of this Ordinance.

14.2.3. INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

14.2.4 ADMINISTRATION

Zoning, Conditional Use, Interim Use, Variances and Shoreland Alteration requests shall be processed in accordance with the administrative procedures of Chapter 18 of this Ordinance.

A. CERTIFICATE OF COMPLIANCE

A Certificate of Compliance, consistent with Chapter 21 and Minnesota Rules Chapter 7080.0700 Subp. 3, is required anytime a permit or variance of any type is required for any improvement on, or use of, the property in the Shoreland Overlay District, where any portion of the septic system serving the dwelling or structure are located within the Shoreland boundary, or when the proposed structure or improvement is located within the Shoreland boundary. A sewage treatment system shall be considered compliant if the

only deficiency is the system's improper setback from the ordinary high-water level.

B. MITIGATION FOR LAND USE PERMITS

In evaluating all Variances, Conditional Uses, Interim Uses, and Zoning Permit applications, the Environmental Services Department shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- I. Advanced storm water runoff management treatment;
- II. Reducing impervious surfaces;
- III. Increasing setbacks from the ordinary high water level;
- IV. Restoration of wetlands;
- V. Limiting vegetation removal and/or riparian vegetation restoration;
- VI. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- VII. Other conditions the Department deems necessary.

C. MITIGATION FOR LAND DISTURBING ACTIVITIES

In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

14.2. GREATER RESTRICTIONS

Where conflict may exist between this Chapter and other ordinance provisions, the greater restrictions shall prevail when not contrary to law.

SECTION 14.3 SHORELAND OVERLAY DISTRICTS (SH)

14.3.1 (SH) AGRICULTURAL PRIMARY

A. PERMITTED USES

- I. One single family Primary Dwelling Unit on an individual parcel

- containing fifty-three (53) acres or more;
- II. One split of the existing building site which creates a new parcel containing a building site that is less than fifty-three (53) acres. This split will be counted as new single family Primary Dwelling Unit on less than fifty-three (53) acres and applies towards the density limitation of no more than one (1) dwelling on less than fifty-three acres per quarter section (160 acres) of land. Splits shall meet all performance standards and sewage treatment requirements for newly created lots.
- III. Field crops, horticulture, nurseries, greenhouses, and tree farms;
- IV. Existing feedlots up to 500 animal units. Expansion of existing feedlots are subject to a variance. New feedlots are prohibited.
- V. Wildlife preserves, forest, and wetland management areas;
- VI. Home Occupations producing only domestic strength sewage and meeting all performance and sizing standards of Chapter 21 and Minnesota Rules Chapters 7080-7083, or successor
- VII. Public hiking and/or biking trails
- VIII. Minor Essential Services
- IX. Township Halls
- X. Accessory structures and uses customarily incidental to the above permitted uses when located on the same property.

B. CONDITIONAL USES

- I. Related agricultural sales business
- II. Major Essential Services
- III. Campgrounds
- IV. Golf courses and their accessory structures
- V. Gun clubs and their accessory structures
- VI. Commercial Kennels
- VII. Cemeteries
- VIII. Local government maintenance facilities
- IX. Fairgrounds
- X. Wind Energy Conversion Systems
- XI. Solar Energy Farms

C. INTERIM USES

- I. One Single Family Primary Dwelling Unit on less than 53 acres provided:
 - a. The quarter section has not previously received a CUP or IUP for a Non-Farm Dwelling, or
 - b. The quarter section had not been previously closed through the creation of a new parcel which contains a

- dwelling under Section 8.3.2 of Permitted Uses.
- II. One Temporary Second Dwelling Unit for a period of no more than five (5) years, provided:
 - a. The quarter section of land does not have an existing active IUP for a Temporary Second Dwelling Unit, or
 - b. The quarter section of land has not previously received a CUP or IUP for a Second Farm or Non-Farm dwelling with a “sunset” provision as a condition of the permit, and
 - c. All performance standards for Temporary Second Dwelling Units listed in Chapter 16 can be met without the need for variances.
 - III. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities which exceed 50 cubic yards in total
 - IV. Temporary asphalt hot-mix plants or concrete plants utilized for specific road projects located within Dodge County, on land located outside of an existing mine permitted by Dodge County
 - V. Limited Rural Businesses
 - VI. Private Kennels

14.3.2 (SH) URBAN EXPANSION PRIMARY

A. PERMITTED USES

- I. One single family Primary Dwelling Unit on an individual parcel containing thirty-five (35) acres or more;
- II. One split of the existing building site which creates a new parcel containing a building site that is less than thirty-five (35) acres. This split will be counted as new single family Primary Dwelling Unit on less than thirty-five (35) acres and applies towards the density limitation of no more than one (1) dwelling on less than fifty-three acres per quarter section (160 acres) of land. Splits shall meet all performance standards and sewage treatment requirements for newly created lots.
- III. Field crops, horticulture, nurseries, greenhouses, and tree farms;
- V. Wildlife preserves, forest, and wetland management areas;
- VI. Home Occupations producing only domestic strength sewage and meeting all performance and sizing standards of Chapter 21 and Minnesota Rules Chapters 7080-7083, or successor
- VII. Public hiking and/or biking trails
- VIII. Minor Essential Services
- IX. Township Halls
- X. Accessory structures and uses customarily incidental to the above permitted uses when located on the same property.

B. CONDITIONAL USES

- I. Related agricultural sales business
- II. Major Essential Services
- III. Campgrounds
- IV. Golf courses and their accessory structures
- VI. Commercial Kennels
- VII. Cemeteries
- VIII. Local government maintenance facilities
- IX. Fairgrounds

C. INTERIM USES

- I. One Single Family Primary Dwelling Unit on less than 35 acres provided:
 - a. The quarter section has not previously received a CUP or IUP for a Non-Farm Dwelling, or
 - b. The quarter section had not been previously closed through the creation of a new parcel which contains a dwelling under Section 14.3.2.A.II of Permitted Uses.
- II. One Temporary Second Dwelling Unit for a period of no more than five (5) years, provided:
 - a. The quarter section of land does not have an existing active IUP for a Temporary Second Dwelling Unit, or
 - b. The quarter section of land has not previously received a CUP or IUP for a Second Farm or Non-Farm dwelling with a “sunset” provision as a condition of the permit, and
 - c. All performance standards for Temporary Second Dwelling Units listed in Chapter 16 can be met without the need for variances.
- V. Limited Rural Businesses
- VI. Private Kennels

14.3.3 (SH) RURAL RESIDENTIAL PRIMARY

A. PERMITTED USES

- I. Single family primary dwelling units;
- II. Limited agriculture, including *Farm Animals* not to exceed one (1) animal unit per fenced acre to a maximum of 10 animal units. Site cannot meet the definition of a feedlot
- III. Public parks and recreation areas
- IV. Home Occupations producing only domestic strength sewage and meeting all performance and sizing standards of Chapter 21 and Minnesota Rules Chapters 7080-7083, or successor

- V. Minor Essential Services
- VI. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

B. CONDITIONAL USES

- I. Churches, chapels, temples, and synagogues and other similar places of worship
- II. Golf courses, clubhouses, and golf course accessory buildings;
- III. Major Essential Services

C. INTERIM USES

- I. Limited Rural Businesses

14.3.4 (SH) HAMLET PRIMARY

A. PERMITTED USES

- I. Single family primary dwelling units;
- II. Existing *Farm Animals Sites* which do not meet the definition of a “feedlot” and/or exceed more than one (1) Animal Unit per acre of grazing or confinement area
- III. Government owned lands and facilities, subject to performance standards for the specific use, when applicable;
- IV. Public hiking/biking trails, parks and other non-motorized recreation areas;
- V. Home Occupations producing only domestic strength sewage and meeting all performance and sizing standards of Chapter 21 and Minnesota Rules Chapters 7080-7083, or successor
- VI. Minor Essential Services
- VII. Accessory structures customarily incidental to any of the above permitted uses when located on the same property.

B. CONDITIONAL USES

There are no Conditional Uses allowed in the Shoreland Overlay of the Hamlet District.

- C. INTERIM USES
 - I. Limited Rural Business

14.3.5 (SH) COMMERCIAL PRIMARY

A. PERMITTED USES

There are no Commercial Uses which are considered "Permitted" within the Shoreland Overlay District.

B. CONDITIONAL USES

- I. Commercial greenhouses
- II. Lumber yards, landscaping materials sales, or sales of other types of construction materials;
- III. Cabinet or carpenter shops
- IV. Governmental buildings
- V. Minor Essential services;
- VI. Commercial Kennels
- V. Contractors yards
- VI. Major Essential Services
- VII. Temporary Meteorological Towers less than two hundred (200) feet in total height and removed in five (5) years or less
- VIII. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

14.3.6 (SH) INDUSTRIAL PRIMARY

A. DISTRICT USE LIMITATIONS

- I. New Permitted, Conditional, and/or Interim Industrial Uses are not allowed within the Shoreland Overlay District
- II. Expansion of existing Industrial Uses or structures requires a variance to be issued by the BOA

SECTION 14.4 SPECIAL LAND USE PROVISIONS

14.4.1 STANDARDS FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMIPUBLIC USES

Surface water oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:

- A. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- B. Commercial, industrial, public, and semi-public uses that are not water-dependent 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 ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

14.4.2 AGRICULTURAL USE STANDARDS

A. BUFFERS

- I. The Shore Impact Zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level (OHWL).
- II. 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 consistent with the Field Office Technical Guides of the USDA Natural Resource Conservation Service, and as approved by the Dodge County Soil and Water Conservation District.

B. FEEDLOTS

New animal feedlots are prohibited in the Shoreland Overlay District. Modifications or expansions to existing feedlots or resumption of old feedlots require a variance to be issued by the Board of Adjustment. In addition to variance criteria of Chapter 18, variance requests, if approved, must meet the following standards:

- I. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020, as amended.
- II. Feedlots must not further encroach into the existing OHWL setback or the Bluff Impact Zone and must not expand to a capacity of 1,000 animal units or more; and,
- III. Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711 or successor.

14.4.3 FOREST MANAGEMENT STANDARDS

- A. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water

Quality in Forest Management "Best Management Practices in Minnesota."

- B. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
- C. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the Dodge County Soil and Water Conservation District.

14.4.4 EXTRACTIVE USE STANDARDS

A. PERFORMANCE AND DEVELOPMENT STANDARDS

All extractive uses shall meet the siting, setbacks and performance standards of Section 16.38 and the applicable development standards of Chapter 17.

SECTION 14.5 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

14.5.1 LOT AREA REQUIREMENTS

- A. Lot area required shall meet the minimum requirements of the primary zoning district. Only land above the ordinary high water level (OHWL) can be used to meet lot area standards.
- B. An increase in the minimum lot size shall be required if it is determined that additional area is needed to meet Chapter 21 of the Ordinance, environmental quality regulations, subdivision regulations of Chapter 20, or any other applicable regulations of the County.

14.5.2 LOT WIDTH REQUIREMENTS

- A. Only lands above the ordinary high water level (OHWL) can be used to meet lot area standards. Every lot shall have a minimum lot width at the building setback line as indicated below:

PUBLIC WATERS	Minimum Lot Width
Rivers- Transition	250 ft
Rivers- Agricultural	150 ft
Rivers- Tributary	100 ft

14.5.3 PLACEMENT OF STRUCTURES ON LOTS

- A. When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where 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.

14.5.4 SETBACKS

When more than one setback applies to the use or structure under ordinance provisions, the most restrictive setback applies.

A. OTHER DISTRICT SETBACKS

Refer to the underlying Primary Zoning District or Overlay Districts of this ordinance.

B. USE SETBACKS

Refer to the performance standards for the Use identified in Chapter 16 of this ordinance.

C. OHWL SETBACKS

PUBLIC WATERS	STRUCTURES UNSEWERED	STRUCTURES SEWERED	SEWAGE TREATMENT SYSTEM
Lakes-Natural Env.	150 ft	150 ft	150 ft
Rivers-Ag/Trib	100 ft	50 ft	75 ft
Rivers-Transition	150 ft	150 ft	100 ft

D. SETBACKS OF DECKS

Deck additions may be allowed without a variance to a structure not meeting the required setback from the OHWL if all of the following criteria are met:

- I. The structure existed on the date the structure setbacks were established;
- II. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;

III. The deck encroachment toward the OHWL does not exceed 15 percent of the existing setback of the structure from the OHWL or is no closer than 30 feet from the OHWL, whichever is more restrictive; and

IV. The deck is constructed primarily of wood, and is not roofed, enclosed with sidewalls or screened.

E. ADDITIONAL SETBACKS

FEATURE	MINIMUM SETBACK
Top of Bluff	30 ft
OHWL- 1 Water Oriented Accessory Structure	10 ft
New Feedlot from public watercourse	300 ft
New Feedlot from public basin	1000 ft
Unplatted cemetery	50 ft

F. IMPACT ZONES

Structures and accessory facilities, except stairways and landings, must not be placed within Bluff or Shoreland Impact Zones.

14.5.5 HEIGHT REQUIREMENTS

A. Refer to the Primary Zoning District and any performance standards for the Use specified in Chapter 16.

14.5.6 HIGH WATER ELEVATIONS

Structures must be placed in compliance with the floodplain regulations of Chapter 15 when applicable.

14.5.7 WATER SUPPLY AND SEWAGE TREATMENT

A. WATER SUPPLY

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

Private wells must be located, constructed, maintained, and sealed in accordance with or more restrictive than the water well construction code of the Minnesota Department of Health.

B. SEWAGE TREATMENT

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- I. Publicly owned sewer systems must be used where available.
- II. All private sewage treatment systems must meet or exceed the standards contained in Chapter 21 of this ordinance, or successor.
- III. On-site sewage treatment systems must be set back a minimum of 75 feet from the OHWL.
- IV. All proposed sites for individual sewage treatment systems shall be evaluated to determine the potential treatment capability of the soils on site. If the determination of a site's suitability cannot be made with publicly available information, borings or percolation tests shall be provided before approvals of splits or land use permits are granted.
- V. Nonconforming/noncompliant sewage treatment systems shall be regulated and upgraded in accordance with Chapter 21 of this Ordinance.

SECTION 14.6 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES

14.6.1 ROADS, DRIVEWAYS AND PARKING AREAS

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters and comply with the following standards

- A. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion.
- B. Roads, driveways and parking areas must meet structure setbacks and must not be placed within Bluff and Shore Impact Zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within Shore Impact Zones provided the vegetative screening and erosion control conditions of this subpart are met.
- D. Private facilities must comply with the grading and filling provisions of Section 14.7.2 of this Chapter.

14.6.2 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 lifts must meet the following design requirements:

- A. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties and public open-space recreational properties.
- B. Landings for stairways and lifts on residential lots must not exceed thirty two (32) square feet in area. Landings larger than thirty two (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. 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 Section 14.6.2 and the requirements of Minnesota Rules Chapter 1341 or successor.
- F. 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.

14.6.3 WATER ORIENTED ACCESSORY STRUCTURES

Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in this Chapter if this water oriented accessory structure complies with the following provisions:

- A. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet;
- B. The setback of the structure or facility from the OHWL must be at least ten (10) feet;

- C. The structure is not in the Bluff Impact Zone;
- D. 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;
- E. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- F. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes 103G.245 or successor.

14.6.4 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 OHWL setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

SECTION 14.7 VEGETATION AND LAND ALTERATIONS

Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality and protect fish and wildlife habitat.

14.7.1 VEGETATION MANAGEMENT

- A. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - I. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
 - II. The construction of public roads and parking areas if consistent with Section 14.6.1 of this Chapter;
 - III. Forest management uses consistent with Section 14.4.3 of this Chapter; and
 - IV. Agricultural uses consistent with Section 14.4.2 of this Chapter.
- B. Intensive vegetation clearing in the Shore and Bluff Impact Zones and on Steep Slopes is prohibited. Intensive clearing outside of

these areas is allowed if consistent with the forest management standards in Section 14.4.3 of this Chapter.

- C. Limited clearing and trimming of trees and shrubs in the Shore and Bluff Impact Zones and on Steep Slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, *Farm Animals* watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - I. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - II. Existing shading of water surfaces along rivers is preserved;
 - III. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - IV. Perennial ground cover is retained.
 - V. Picnic areas, access paths, *Farm Animals* watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.
- C. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- D. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

14.7.2 GRADING AND FILLING

Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 14.6.1 of this Chapter.

A. NO SHORELAND ALTERATION PERMIT REQUIRED

Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 14.7.3.B of this Chapter must be incorporated into the permit

B. SHORELAND ALTERATION PERMIT REQUIRED

For all other work, including driveways not part of another permit, a Shoreland Alteration Permit is required for:

- I. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
- II. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

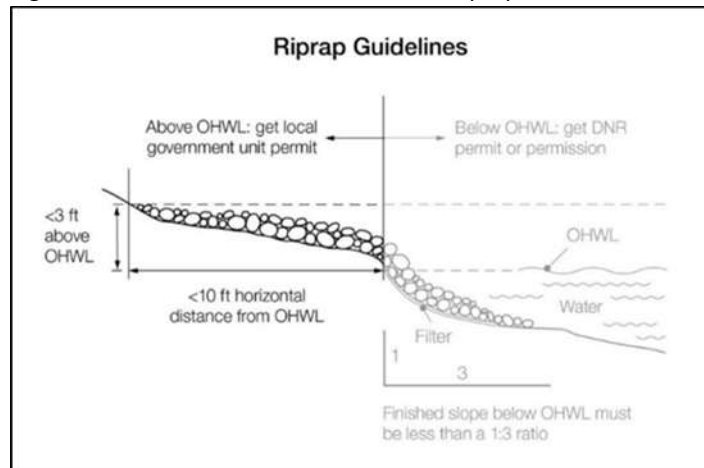
14.7.3 STANDARDS FOR GRADING, FILLING AND/OR EXCAVATION ACTIVITIES

Grading, filling and excavation activities must meet the following standards:

- A. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420, as amended and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
- B. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - I. Limiting the amount and time of bare ground exposure;
 - II. Using temporary ground covers such as mulches or similar materials;
 - III. Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
 - IV. Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - V. Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - VI. Not placing fill or excavated material in a manner that creates unstable slopes. 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 percent or greater;
 - VII. Fill or excavated material must not be placed in Bluff Impact Zones;

- VIII. Any alterations below the ordinary high water level of public waters must first be authorized by the Department of Natural Resources under Minnesota Statutes, Section 103G or successor;
- IX. Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- X. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - a. The finished slope does not exceed three feet horizontal to one-foot vertical;
 - b. The landward extent of the riprap is within ten feet of the ordinary high water level; and
 - c. The height of the riprap above the ordinary high water level does not exceed three feet (see Figure 10).

Figure 10. Riprap Guidelines



C. CONNECTIONS TO PUBLIC WATERS

Excavations to connect to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115, or successor.

D. SLOPES

The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before a permit can be issued for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary,

conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation for the screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

SECTION 14.8 STORMWATER MANAGEMENT

All applicants shall comply with the MPCA's applicable stormwater permit requirements. In addition, the following general and specific standards shall apply:

14.8.1 GENERAL STANDARDS

- A. When possible, existing natural drainage ways, vegetated soil surfaces and stormwater basins must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off 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 man-made materials and facilities.

14.8.2 SPECIFIC STANDARDS

- A. Impervious surface coverage of lots must not exceed twenty five percent (25%) of the lot area.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Dodge County Soil and Water Conservation District, the Minnesota Stormwater Manual, and the applicable MPCA stormwater permit.
- C. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules 6115.0231 as amended.

SECTION 14.9 NONCONFORMITIES IN THE SHORELAND OVERLAY DISTRICT

The Shoreland Overlay District shall be superimposed on all other Primary and Overlay Zoning Districts. All legally established nonconformities within the Shoreland Overlay District may continue when not contrary to law. Existing nonconformities will be managed according to Minnesota Statutes 394.36, Subd. 5, Chapter 6 and Section 15.9 of this Ordinance, where applicable. In the event the standards or processes of this Section conflict with the standards or processes of Chapter 6 or Section 15.9, the more restrictive shall apply.

14.9.1 NONCONFORMING USES

Existing Animal Feedlots located within the Shoreland Overlay District shall be managed in accordance with the primary zoning district, Minnesota Rules Chapter 7020 and Minnesota Statutes, section 116.0711; or successor statutes.

All other nonconforming uses shall be administered in accordance with the provisions of Chapter 6 and Section 15.9 of this Ordinance.

14.9.2 NONCONFORMING STRUCTURES

A. SUBSTANTIAL DAMAGE ON NONCONFORMING STRUCTURES WITH LESS THAN 50% REQUIRED SETBACK.

When a nonconforming structure in the Shoreland Overlay District with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the Dodge County Assessor's Office at the time of damage. the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body

14.9.3 LOTS OF RECORD THE SHORELAND OVERLAY DISTRICT

A. CRITERIA FOR LOT SIZE VARIANCE EXEMPTION. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 14.6 this Chapter may be allowed as building sites without variances from lot size requirements provided:

- I. All structure and sewage treatment setback distance requirements can be met;

- II. A Type 1 sewage treatment system consistent with the Chapter 21 of this ordinance, or successor, can be met or the lot is connected to a public sewer; and
 - III. The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.
- B. CONTIGUOUS LOTS OF RECORD UNDER COMMON OWNERSHIP. In a group of two or more contiguous Lots of Record under common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
- I. The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the Shoreland classification consistent with MN Rules chapter 6120;
 - II. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent within Chapter 21 of this ordinance, or successor;
 - III. The impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and
 - IV. Development of the lot must be consistent with the Dodge County Comprehensive Land Use Plan.

A lot subject to, but not meeting the requirements of Section 14.9.3.B must be combined with one or more contiguous lots so they equal one or more conforming lots to the extent possible.

- C. Notwithstanding Section 14.9.3.B, contiguous nonconforming Lots of Record in the Shoreland Overlay District under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirement of Chapter 21 of this ordinance, or successor, or connected to a public sewer.
- D. In evaluating all land use approvals for nonconformities within the Shoreland Overlay District, the Department shall require the applicant to address when appropriate:
- I. Storm water runoff management,
 - II. Reducing impervious surfaces,
 - III. Increasing setback,
 - IV. Restoration of wetlands,
 - V. Vegetative buffers,

- VI. Sewage treatment capability
 - VII. Water supply capability, and
 - VIII. Other conservation-designed actions
- E. A portion of a conforming lot may be separated from an existing parcel as long as:
- I. The remainder of the existing parcel meets the lot size requirements of the zoning district for new lots;
 - II. Meets the sewage treatment system requirements for a new lot; and
 - III. The newly created parcel is combined with an adjacent parcel

SECTION 14.10 SUBDIVISION/PLATTING PROVISIONS

14.10.1 LAND SUITABILITY

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for waterbased recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

14.10.2 CONSISTENCY WITH OTHER CONTROLS

Subdivisions must conform to all official controls of this county. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. All subdivisions shall meet the requirements of Chapter 20 of this Ordinance.

14.10.3 ADDITIONAL SHORELAND REQUIREMENTS FOR SUBDIVISIONS

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria of the Primary Zoning District.

- A. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot. Easements providing access to boat docking or mooring facilities to non-riparian property owners are prohibited; and
- B. Covenants or other equally effective legal instruments must be developed that:
 - I Specify which lot owners have authority to use the access lot;

- II. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
- III. Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
- IV. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
- V. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

CHAPTER 15: FLOODPLAIN OVERLAY DISTRICT

SECTION 15.1 STATUTORY AUTHORIZATION AND PURPOSE

15.1.1 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners of Dodge County, Minnesota, does ordain as follows.

15.1.2 PURPOSE

- A. This Chapter regulates development in the flood hazard areas of the unincorporated areas of Dodge County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and 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. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- B. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- C. This ordinance 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.

SECTION 15.2 GENERAL PROVISIONS

15.2.1 LANDS TO WHICH THIS CHAPTER APPLIES

The regulations of this chapter applies to all lands within the jurisdiction of the Dodge County within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 15.3.2. The best available data must be utilized for determining

boundaries. The Flood Insurance Rate Map is adopted by reference in Section 5.4.2 of this ordinance.

- A. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- B. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- C. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Dodge County Board of Adjustment and to submit technical evidence.

15.2.2 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this chapter imposes greater restrictions, the provisions of this chapter prevail. All other ordinance provisions inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

15.2.3 DETACHMENTS

The Flood Insurance Rate Map panels adopted by reference in Section 5.4.2 of this ordinance will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Dodge County after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 15.3 ESTABLISHMENT OF FLOODPLAIN DISTRICTS

15.3.1 DISTRICTS

- A. Floodway. The Floodway includes those areas within the General Floodplain District that includes the channel of a watercourse and those portions of the adjoin floodplain which are reasonably required to carry or store the regional flood discharge determined under Section 15.7 of

this chapter.

- B. Flood Fringe. The Flood Fringe includes those areas within the General Floodplain District and outside the Floodway as determined under Section 15.7 of this chapter.
- C. General Floodplain District. The General Floodplain District includes those areas within an “A” Zone that do not have a specific floodway delineated as shown on the Flood Insurance Rate Map adopted by reference in Section 5.4.2.A or the best available data as provided by the Minnesota Department of Natural Resources in accordance with Minnesota Rules 6120.

15.3.2 APPLICABILITY

Locations where Floodway and Flood Fringe are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 15.5 apply unless the floodway boundary is determined, according to the process outlined in Section 15.7.2.

SECTION 15.4 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

15.4.1 PERMIT REQUIRED

A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this ordinance prior to conducting the following activities:

- A. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- B. The construction of an on-site septic system, or any fence not meeting the definition of a farm fence defined in Chapter 4 of this ordinance.
- C. The change or extension of a nonconforming use.
- D. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- E. The placement of fill immediately around and adjacent to the exterior walls of an existing non-conforming dwelling for the purpose of obtaining a FEMA Letter of Map Change.

- F. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement culverts and bridges), unless a public waters work permit has been applied for.

15.4.2 MINIMUM DEVELOPMENT STANDARDS

All new construction and substantial improvements must be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Constructed with materials and utility equipment resistant to flood damage;
- C. Constructed by methods and practices that minimize flood damage; and
- D. Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

15.4.3 FLOOD CAPACITY

Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

15.4.4 STORAGE AND PROCESSING GENERAL PROHIBITIONS

The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.

SECTION 15.5 FLOODWAY (FW)

15.5.1 PERMITTED USES

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodway portion of the General Floodplain District, subject to any required land use permits/approvals, to the

extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, obstructions, excavations, drilling operations, unpermitted grading, storage of materials or equipment or any other form of development as defined herein in Chapter 4 of this Ordinance.

A. AGRICULTURAL DISTRICT (A)

- I. Field crops, horticulture, sod farms, and wild crop harvesting and similar general farming practices
- II. *Farm Animals sites* that do not meet the definition of a "feedlot" under Minnesota Rules Chapter 7020 and this Ordinance.
- III. Apiaries
- IV. Wildlife preserves, forest and wetland management areas
- V. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- VI. Public hiking and/or biking trails
- VII. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- VIII. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

B. URBAN EXPANSION DISTRICT (X)

- I. Field crops, horticulture, sod farms, wild crop harvesting and similar general farming practices
- II. *Farm Animals sites* that do not meet the definition of a "feedlot" under Minnesota Rules Chapter 7020, or successor, and this Ordinance.
- III. Apiaries
- IV. Wildlife preserves, forest and wetland management areas
- V. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- VI. Public hiking and/or biking trails
- VII. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts

- VIII. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

C. RURAL RESIDENTIAL DISTRICT (R)

- I. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- II. Limited agriculture and *Farm Animals sites* which do not exceed one (1) animal unit per fenced acre to a maximum of ten (10) animal units and do not meet the definition of a "feedlot" under Minnesota Rules Chapter 7020, or successor, and this Ordinance.
- III. Parks and recreation areas owned and operated by a government agency, but not including structures
- IV. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- V. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

D. HAMLET DISTRICT (H)

- I. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- II. Parks and recreation areas owned and operated by a government agency, but not including structures
- III. Accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- IV. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

E. COMMERCIAL DISTRICT (C)

- I. Parking lots accessory to Permitted Uses in the Commercial District

- II. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- III. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

F. INDUSTRIAL DISTRICT (I)

- I. Loading areas, parking areas accessory to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- II. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

15.5.2 STANDARDS FOR FLOODWAY PERMITTED USES

- A. The use must have a low flood damage potential.
- B. The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- C. Any use that will be utilized by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

SECTION 15.6 FLOOD FRINGE (FF)

15.6.1 PERMITTED USES

The following are allowed uses within the Flood Fringe District to the extent that they are not prohibited by any other ordinance provisions. Excluding the provisions for a structure in Sections 15.6.1.A.III, 15.6.1.B.III, and 15.6.1.C.III, the permitted uses in the Flood Fringe District must not require new structures, fill, obstructions, excavation, drilling operations, storage of materials or equipment or any other form of development as defined herein in Chapter 4 of this Ordinance. Any accessory

structure allowed under 15.3.1.A.III, 15.6.1.B.III, and 15.6.1.C.III must obtain a Zoning Permit from the Department and meet applicable requirements of this Chapter. In addition, the standards of the underlying zoning district and any applicable performance and development standards of Chapters 16 and 17 must also be met.

- A. AGRICULTURAL DISTRICT (A)
 - I. All uses identified in Section 15.5.1.A
 - II. Existing dwellings and existing accessory buildings currently located within the Flood Fringe District. One new accessory building may be constructed after May 12th, 2020 with proper permits/approvals issued by the Department. New dwellings within the Flood Fringe District are prohibited.

- B. URBAN EXPANSION DISTRICT (X)
 - I. All uses identified in Section 15.5.1.B
 - II. Existing dwellings and existing accessory buildings currently located within the Flood Fringe District. One new accessory building may be constructed after May 12th, 2020 with proper permits/approvals issued by the Department. New dwellings within the Flood Fringe District are prohibited.

- C. RURAL RESIDENTIAL DISTRICT (R)
 - I. All uses identified in Section 15.5.1.C
 - II. Existing dwellings and existing accessory buildings currently located within the Flood Fringe District. One new accessory building may be constructed after May 12th, 2020 with proper permits/approvals issued by the Department. New dwellings within the Flood Fringe District are prohibited.

- D. HAMLET DISTRICT (H)
 - I. All uses identified in Section 15.5.1.D
 - II. Existing dwellings and existing accessory building currently located within the Flood Fringe District.

- E. COMMERCIAL DISTRICT (C)
 - I. All uses identified in Section 15.5.1.E

- F. INDUSTRIAL DISTRICT (I)

- I. All uses identified in Section 15.5.1.F

15.6.2 STANDARDS FOR FLOOD FRINGE PERMITTED USES

- A. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
- B. Accessory Structures. As an alternative to the fill requirements of section 15.6.2.A, structures accessory to the uses identified in Section 15.6.1 (when allowed) may be designed to accommodate the inundation of floodwaters, meeting the following provisions:
 - I. The accessory structure constitutes a minimal investment and satisfy the development requirements in Section 15.4.2.
 - II. Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:
 - a. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
- C. No new fill is allowed unless the fill is specifically intended to elevate a structure in accordance with Section 15.6.2.A of this ordinance, or is being placed in accordance with Section 14.4.1.E of this ordinance.
- D. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- E. All fill must be properly compacted and the slopes must be properly

protected by the use of riprap, vegetative cover or other acceptable method.

- G. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- H. Manufactured homes and recreational vehicles must meet the standards of Section 15.10 of this ordinance.

15.6.3 CONDITIONAL USES

The following may be allowed as a Conditional Use in all primary zoning districts with existing conforming structures and legal non-conforming structures subject to the provisions of Chapter 6 and Section 15.12 of this Chapter. The use is subject to the standards and procedures set forth in Chapter 18 and Section 15.11.4 of this ordinance and further subject to the standards set forth in Section 15.6.4. In addition, the General Development Standards of Chapter 17 and the Performance Standards of Chapter 16 must also be met when applicable.

- A. The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filled stem walls, or above-grade, internally flooded enclosed areas such as crawl spaces or tuck under garages, meeting the standards in Section 15.6.4.C.

15.6.4 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

- A. The standards for permitted uses in the flood fringe, listed in Sections 15.6.2.D through 15.6.2.H, apply to all conditional uses.
- B. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 15.11.2.B shall be required.
- C. Alternative elevation methods other than the use of fill may be

utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood; and 3) it is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:

- I. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and include a minimum of two openings on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade, and have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.
- II. Floodproofing certifications consistent with Section 15.11.2.B shall be required. The structure shall be subject to a deed-restricted nonconversion agreement with the issuance of any permit.

15.6.5 INTERIM USES

The following may be allowed as an Interim Use in the Flood Fringe Area of the Agricultural zoning district. The use is subject to the standards and procedures set forth in Chapter 18 and Section 15.11 of this ordinance and the standards set forth in Section 15.6.6. In addition, the General Development Standards of Chapter 17 and the Performance Standards of Chapter 16 must also be met when applicable.

- A. Sand and gravel extraction, other mineral or material excavation activities which exceed 50 cubic yards in total

15.6.6 STANDARDS FOR FLOOD FRINGE INTERIM USES

- A. The Interim Use must not cause any increase in flood damages, nor any increase in flood elevations as certified by a registered professional engineer and verified by Minnesota Department of Natural Resources Floodplain Hydrologist/Engineer.
- B. **FILL, STORAGE OF MATERIALS AND EQUIPMENT**
 - I. Fill, dredge spoil, stockpiles, berms and other similar

materials deposited or stored in the flood fringe must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

II. Placement of berms, fill, stockpiles, other materials, or equipment which would cause an increase to the stage of the 1% chance (100-yr) or regional flood is prohibited.

SECTION 15.7 GENERAL FLOODPLAIN DISTRICT (GF)

15.7.1 PERMITTED USES:

- A. The uses listed in Section 15.5.1 of this chapter, Floodway District Permitted Uses, are permitted uses.
- B. All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 15.7.2 below. Section 15.5 applies if the proposed use is determined to be in the Floodway District. Section 15.6 applies if the proposed use is determined to be in the Flood Fringe District.

15.7.2 PROCEDURES FOR DETERMINING FLOODWAY BOUNDARIES AND REGIONAL FLOOD ELEVATIONS

- A. Requirements for Detailed Studies. All permit requests shall be subject to a detailed study to determine the regulatory flood protection elevation (if unknown) and the limits of the Floodway District. The determination of the Floodway and Flood Fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:
 - I. Estimate the peak discharge of the regional (1% chance) flood.
 - II. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - III. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing

floodway boundaries, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.

- B. Alternative Methods. For areas where a detailed study is not available or required, the regional flood elevation must be identified to determine the boundaries of the special flood hazard area. The zoning administrator must use the best available data to determine the regional flood elevation. The entire floodplain must be treated as floodway until there is a floodway determination
 - I. In those areas of the Special Flood Hazard Area where the floodway has not been determined, allowable uses are restricted to those identified in Sections 15.5.1. The proposed development must not increase flood stages more than one-half foot, as determined by a professional engineer or by using accepted engineering practices approved by the Zoning Administrator. A stage increase less than one-half foot must be used if increased flood damages would result.
 - II. If buildings or other development prohibited in floodways are proposed, a floodway/flood fringe determination is required to verify the development is within the flood fringe. The floodway /flood fringe determination must be done by a professional engineer or by using other accepted engineering practices approved by the Zoning Administrator. Any such proposal must assume a 0.5 foot stage increase for the purposes of determining the regulatory flood protection elevation to accommodate for future cumulative impacts.
- C. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- D. Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 15.5 and 15.6 of this ordinance.

SECTION 15.8 SUBDIVISION STANDARDS

15.8.1 SUBDIVISIONS

No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- A. All lots containing land within the floodplain district must meet the requirements for buildable lots and the subdivision regulations of Chapter 20 of this ordinance.
- B. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by Dodge County. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- C. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- D. In the General Floodplain District, applicants must provide the information required in Section 15.7.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- E. Subdivision proposals must be reviewed to assure that:
 - I. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - II. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - III. Adequate drainage is provided to reduce exposure of flood hazard.

SECTION 15.9 UTILITIES, RAILROADS, ROADS, AND BRIDGES

15.9.1 PUBLIC UTILITIES

All public utilities and facilities such as gas, electrical, sewer, and water supply

systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

15.9.2 PUBLIC TRANSPORTATION FACILITIES

Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 15.5 and 15.6 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. 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.

15.9.3 ON-SITE WATER SUPPLY AND SEWAGE TREATMENT SYSTEMS

Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 15.10 MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

15.10.1 MANUFACTURED HOMES

Manufactured homes are subject to applicable standards for each floodplain district. In addition:

- A. Replacement manufactured homes must be elevated in compliance with Section 15.6 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not 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.

15.10.2 RECREATIONAL VEHICLES

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 Section 15.10.1, or
- B. Be travel ready, meeting the following criteria:
 - I. The vehicle must have a current license required for highway use.
 - II. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - III. No permanent structural type additions may be attached to the vehicle.
 - IV. Accessory structures in recreational vehicle parks or campgrounds are prohibited.

SECTION 15.11 ADMINISTRATION

15.11.1 DUTIES

A Zoning Administrator or other official designated by Dodge County must administer and enforce this chapter.

15.11.2 PERMIT APPLICATION REQUIREMENTS

A. APPLICATION FOR PERMIT

Permit applications must be submitted to the Zoning Administrator on forms provided by the Environmental Services Department. The permit application must include the following as applicable:

- I. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- II. Location, dimension and volume of any fill in relation to the stream channel.
- III. Copies of any required municipal, county, state or federal permits or approvals.
- IV. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

B. CERTIFICATION

The applicant is 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 chapter. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 15.6.2.B of this chapter are exempt from certification, provided sufficient assurances are documented. Any development in established floodways is prohibited.

C. CERTIFICATE OF ZONING COMPLIANCE FOR A NEW, ALTERED, OR NONCONFORMING USE

No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

D. RECORDKEEPING OF CERTIFICATIONS AND AS-BUILD DOCUMENTATION

The Zoning Administrator must maintain records in perpetuity documenting:

- I. All certifications referenced in Section 15.11.2.B of this chapter, as applicable
- II. Elevations complying with Section 15.6.2.A of this chapter. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.

E. 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 pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate Notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

F. NOTIFICATION TO FEMA WHEN PHYSICAL CHANGES INCREASE OR DECREASE BASE FLOOD ELEVATIONS

As soon as is practicable, but not later than six months after the date such

supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

15.11.3 VARIANCES

A. VARIANCE APPLICATIONS

An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 18.11 of this ordinance.

B. ADHERENCE TO STATE FLOODPLAIN MANAGEMENT STANDARDS

A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

C. ADDITIONAL VARIANCE CRITERIA

The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- I. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- II. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.
- III. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. FLOOD INSURANCE NOTICE

The Zoning Administrator must 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 or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

E. GENERAL CONSIDERATIONS

The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- I. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- II. The danger that materials may be swept onto other lands or downstream to the injury of others;
- III. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- IV. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- V. The importance of the services to be provided by the proposed use to the community;
- VI. The requirements of the facility for a waterfront location, if applicable;
- VII. The availability of viable alternative locations for the proposed use that are not subject to flooding;
- VIII. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- IX. The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- X. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- XI. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

F. SUBMITTAL OF HEARING NOTICES TO THE DEPARTMENT OF NATURAL RESOURCES (DNR)

The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

G. SUBMITTAL OF FINAL DECISIONS TO DNR

A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

H. RECORD-KEEPING

The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

15.11.4 CONDITIONAL/INTERIM USES

A. APPLICATION

An application for a Conditional or Interim Use Permit subject to Chapter 15 of this ordinance will be processed and reviewed in accordance with the applicable provisions of Sections 18.13 and 18.14 of this ordinance.

B. FACTORS USED IN DECISION-MAKING

In addition to meeting all relevant factors specified in Sections 18.13. and 18.13 of this ordinance, all Condition and Interim Use requests shall meet the factors identified in Section 15.11.3.E of this chapter.

C. CONDITIONS ATTACHED TO CONDITIONAL & INTERIM USE PERMITS

In addition to the standards identified in Sections 15.6.4 & 15.6.6, Dodge County may attach such conditions to the granting of Conditional and Interim Use permits as it deems necessary to fulfill the purposes of this ordinance.

D. SUBMITTAL OF HEARING NOTICES TO THE DEPARTMENT OF NATURAL RESOURCES

The Zoning Administrator must submit hearing notices for proposed Conditional and Interim Uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing.

E. SUBMITTAL OF FINAL DECISIONS TO THE DNR.

A copy of all decisions regarding Conditional and Interim Uses must be

forwarded to the DNR within ten days of such action.

SECTION 15.12 NONCONFORMITIES

15.12.1 CONTINUANCE OF NONCONFORMITIES

A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Chapter 4 of this ordinance, are subject to the provisions below.

- A. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 15.12.1.B below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- B. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 15.12.1.D below.
- C. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- D. If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 15.5 or 15.6 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 15.5 or 15.6 of this ordinance.
- E. If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 15.5 or 15.6 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

- F. If any nonconforming use or structure experiences a repetitive loss must not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 15.13 VIOLATIONS AND PENALTIES

15.13.1 VIOLATIONS CONSTITUTES A MISDEMEANOR

Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

15.13.2 OTHER LAWFUL ACTION

Nothing in this ordinance restricts Dodge County from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

15.13.3 ENFORCEMENT

Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Chapter 19 of this ordinance. Dodge County 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.

SECTION 15.14 AMENDMENTS

15.14.1 FLOODPLAIN DESIGNATION – RESTRICTIONS ON REMOVAL

The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.

15.14.2 AMENDMENTS REQUIRE DNR APPROVAL

All amendments to this ordinance must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.

15.14.3 MAP REVISIONS REQUIRE ORDINANCE AMENDMENTS

The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 5.4.2 of this ordinance.

CHAPTER 16: PERFORMANCE STANDARDS

SECTION 16.1: PURPOSE

The purpose of this section is to provide standards for specific uses, including those structures associated with uses listed as permitted, accessory, interim or conditional within the Primary Zoning District or any applicable Overlay Zoning District. The performance standards contained in this Chapter are the minimum requirements for the use or structure and are in addition to any other requirement of this Ordinance or the terms or conditions of any permit issued there under.

SECTION 16.2: GENERAL STANDARDS FOR ALL USES

In addition to the specific standards for uses listed in this chapter, all uses shall comply with the following general standards, when applicable.

- 16.2.1 All uses and any structures serving those uses, whether Permitted, Interim, or Conditional shall comply with all applicable Federal, State and County laws, rules and regulations, as well as the provisions of any permit issued there under.
- 16.2.2 All uses, including any structures serving the use, where required by law, shall obtain the appropriate licenses for their use or structure.
- 16.2.3 All land development and/or accessory uses associated with any use shall comply with the applicable General Development Standards of Chapter 17 of this Ordinance.
- 16.2.4 The sewage treatment system serving the proposed use or any structure associated with the use shall comply with Chapter 21 of this ordinance *or successor*, or Minnesota Rules Chapter 7080 through 7083, when applicable. The sewage treatment system shall be designed to adequately treat the predicted volume and type of sewage expected from the use or structure based upon the maximum permitted occupancy or expected usage. When sewage treatment is required, no land use permit shall be issued at sites where the sewage treatment cannot be addressed or until the Department's SSTS Program Manager accepts a completed application and authorizes Zoning to proceed with the permitting.
- 16.2.5 All on-site wells shall comply with Minnesota Department of Health requirements. Uses which require appropriation wells shall be required to obtain an Appropriation Permit from the Minnesota Department of Natural Resources.

- 16.2.6 Any structure associated with the proposed use, whether Permitted, Conditional, or Interim shall meet the performance standards for the use and the Primary or Overlay Zoning District in which it is located.
- 16.2.7 The parcel on which the use is proposed must be able to sustain itself for the intended purpose and meet the performance standard for the use. This may require an increase in the minimum lot size from those listed in the applicable Primary or Overlay Zoning District.
- 16.2.8 No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition.
- 16.2.9 No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any standard contained in this Ordinance or any other applicable federal, state or local regulation.
- 16.2.10 Any use that is determined to be a "public nuisance" shall be prohibited.

SECTION 16.3: ACCESSORY BUILDINGS

16.3.1 SETBACKS

In addition to the general standards listed below, accessory buildings devoted to a use regulated under this Ordinance shall meet the specific setbacks for the use.

RESOURCE/USE	ACCESSORY BUILDING SETBACK DISTANCE
Dwelling	10'
Septic/Pump Tank	10'
Drainfield*	20'
Well	3'
Road right of way	50'
Property Line #	25'/10'
OHW	100'

*Under Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse affect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

The property line setback for accessory structures may be reduced to ten (10) feet if the landowner signs and records the Agricultural Covenant identified in Section 8.2 of this Ordinance and installs measures (rain gutters, diversions, etc.) to prevent or mitigate the impacts from roof drainage and increased impervious surface onto adjacent agricultural land.

16.3.2 PERFORMANCE STANDARDS

- A. There is no limit to the number of agricultural accessory buildings per agricultural parcel, provided the maximum impervious surface coverage of the lot does not exceed twenty-five percent (25%) when located within the Shoreland Overlay District.
- B. The maximum number of residential accessory buildings that may be constructed on a lot in the Shoreland Overlay Zoning District is two (2), provided the maximum impervious surface coverage of the lot does not exceed twenty-five (25%) percent.
- C. No business/commercial use or commercial related storage is allowed in any accessory building, except as otherwise allowed within the appropriate zoning district and permitted with issuance of a Conditional Use Permit or Interim Use Permit.
- D. No accessory building shall be used as dwelling for any period of time.
- E. New accessory buildings located within the Floodplain Overlay District are prohibited.
- F. In the Shoreland Overlay District, the exterior color, design and/or material of residential accessory buildings shall be similar to the principal residential building on the lot. Galvanized metal siding and galvanized metal roofs shall not be allowed.
- G. Decks are not allowed on any accessory buildings.
- H. New accessory buildings or additions/modification of existing accessory buildings used to shelter domestic farm animal regulated under Minnesota Rules Chapter 7020 shall meet the performance standards of Section 16.24 of this Chapter.
- I. An accessory building which meets the definition of a *Kennel* is required to be properly permitted and must meet the performance standards of this Chapter, based upon the type of proposed kennel.

SECTION 16.4: ACCESSORY STRUCTURES

An *Accessory Structure* is any structure that requires location on or in the ground or attachment to something having a location on the ground; and is subordinate to

and serving the principal use and/or structure on the same lot and customarily incidental thereto. Accessory Solar Energy System, addressed under Section 16.45 of this Chapter, may be permitted on a parcel that is separate from and adjacent to the parcel on which the principal use(s) are located, provided:

- A. The sole purpose of the accessory solar energy system is to serve the principal use(s) located on the separate and adjacent parcel.
- B. The accessory solar energy system is subordinate to the principal use(s) of the property

16.4.1 PERMITS REQUIRED

Unless exempt under Section 18.12.2 of this Ordinance, *Accessory Structures* require a Zoning Permit and shall meet the setbacks for *Accessory Buildings* of Section 16.3.1.

SECTION 16.5 ADULT USES

Under Minnesota Statutes 617.242, Subdivision 3 "...If an adult entertainment establishment is located within 50 miles of the boundaries of a county, the county board is not required to provide by zoning or otherwise for a location within the county limits in which an adult entertainment establishment may be located."

Under this statute, Dodge County is not required to provide by zoning or otherwise for a location within the county. In the event this Statute is repealed, overturned or otherwise cannot be enforced or there is no Adult Use located within fifty (50) miles, Dodge County will regulate Adult Uses in accordance with the provisions of this Section.

In any instance where the general performance standards listed in this section are less restrictive than the Minnesota Statutes and Rules that govern Adult Uses, the more restrictive provisions shall apply.

16.5.1 PERFORMANCE STANDARDS FOR ALL ADULT USES

A. PROPERTY LINE SETBACKS

RESOURCE/USE	PROPERTY LINE SETBACK DISTANCE
Areas zoned RR, X, UX, H or SH	1320'
Hotel, motel, bed & breakfast, retreat or other lodging	1320'
Public park	1320
Public Library	1320'
Hospitals and clinics as defined by MN Statutes 144.50	1320'
Nursing homes as defined by MN Statutes 144.50	1320'
Existing dwellings	1320'

Public or private schools as defined in MN Statutes 120A.22, or successor	2800'
Other public or private education center	2800'
Church, synagogue, mosque or other place of worship	2800'
Adult daycare or family adult day service facility	2800'
Drop-in child-care program	2800'
School age child care program	2800'
Family day care or group family daycare	2800'
Any residential or nonresidential program as defined in MN Statutes 245A.02, or successor	2800'

- B. The setback for all new uses identified 16.5.1.A above shall be reciprocal.
- C. Activities that are "obscene" as defined by Minnesota Statutes, 617.241, or successor statutes, are prohibited.
- D. Acts which constitute "indecent exposure" as defined in Minnesota Statutes 617.23, or successor statutes, are prohibited.
- E. Principal or Accessory Adult Uses which are determined to be a "public nuisance" as defined by Minnesota Statutes 617.81, or successor statutes, shall not be allowed to continue.
- F. Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.
- G. Adult uses, either principal or accessory, shall be prohibited from being located in any place that is also used to dispense or consume alcoholic beverages.
- H. All adult uses shall be conducted wholly within the principal structure.
- I. Adult Uses shall be prohibited at any public show, movie, caravan, circus, carnival, fair, theatrical or other performance or exhibition presented to the general public where minors are permitted.
- J. Exterior Display. Adult Uses shall not be constructed or operated in any manner that permits the observation of any person or material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", from any public way or from any property not permitted an Adult Use. This provision shall

apply to any display, decoration, sign, show window or other opening.

K. In addition to Section 16.5.1.J above, signs shall be subject to the following:

I. Signs shall be generic in nature and shall only identify the business name.

II. Signs shall not contain material classified as advertising.

III. Signs shall comply with the performance standards for signs in this Ordinance.

IV. All Adult Uses shall prominently display at all public entrances, located within two feet (2') of the door opening devise of the business establishment or section of the establishment devoted to Adult Uses a sign which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter": The sign shall be in clear legible letters each letter being at least two inches (2") in height.

L. Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty square feet (250 s.f.), including access drives, a width not less than eight and one-half feet (8 ½') and a depth of not less than twenty feet (20'). Each space shall be adequately served by access drives.

I Adult Uses (Principal) must provide one (1) parking space for each seventy-five square feet (75 s.f.) of floor area of permitted premises.

II Adult Uses (Accessory) must provide one (1) parking space for each one hundred square feet (100 s.f.) of floor area of the permitted premise.

M. Other Uses – Any Adult Use not specifically defined shall comply with the performance standards and intent of the Adult Uses Section of this Chapter.

16.5.2 ADDITIONAL PERFORMANCE STANDARDS- ADULT USES (PRINCIPAL)

In addition to the general standards for Adult Uses listed in Section 16.5.1, Adult Uses (Principal) shall meet the following performance standards without variances.

- A. Each use listed under Adult Uses (Principal), as defined in this Ordinance, shall be classified as an individual use. No two Adult Uses (Principal) shall be located in the same building or upon the same property.
- B. An Adult Use (Principal) shall not be located within one thousand five hundred feet (1500') of another Adult Use (Principal).
- C. Adult Uses (Principal) shall only be open from the hours of 2:00 p.m. to 10:00 p.m., Tuesday through Saturday each week and shall not be open for business on a Sunday or legal holiday. Hours and days of operation may be further limited by the conditions of the Interim Use Permit.

16.5.3 ADDITIONAL PERFORMANCE STANDARDS- ADULT USES (ACCESSORY)

In addition to the general standards for all Adult Uses listed in Section 16.5.1, Adult Uses (Accessory) shall also comply with the following standards:

- A. An adult use that does not qualify as an Adult Use (Accessory) shall be classified as an Adult Use (Principal).
- B. Adult Uses (Accessory) shall comprise no more than ten percent (10%) of the floor area of the establishment in which it is located and no more than twenty percent (20%) of the gross receipts of the entire business operation on the premises, or involve or include any activity except the sale or rental of merchandise.
- C. Adult Uses (Accessory) shall be restricted from, and prohibit access to, minors by the physical separation of such items from areas of general public access;
 - I. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation. Doorways shall have doors removed.
 - II. Magazines. Publications classified or qualifying as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

- D. Adult Use (Accessory) shall be prohibited from both internal and external advertising of adult materials and products.

SECTION 16.6 ADVERTISING SIGNS (BILLBOARDS & OTHER OFF-PREMISE ADVERTISING)

16.6.1 PERFORMANCE STANDARDS

Advertising Signs shall comply with Minnesota Rules Chapter 8810, or successor.

- A. Advertising signs shall be allowed within the Commercial Zoning District with issuance of a Conditional Use Permit (CUP);
- B. A Zoning Permit shall be required for each off-premise advertising device.
- C. Advertising signs shall not exceed a total area of three hundred square feet (300 s.f.);
- D. Advertising signs shall be separated by at least one thousand feet (1,000') when located on the same side of a road;
- E. Advertising signs shall not exceed twenty-five feet (25') above the average ground level at the base of the sign;
- F. Off-premise advertising devices shall meet the following setbacks.

RESOURCE/USE	SIGN SETBACK DISTANCE (ft)
From ROW	10'
Property Line	10'
Intersection of public road	500'
Church	100'
School	100'
Residential Zone	100'
Playground	100'
Railroad crossing	500'
Public parks	500
Historic sites	500
Public picnic and rest areas	500

- G. A performance bond in a sum determined by the County Board to be adequate to decommission the off-premise advertising device and restore the site shall be required. The requirement for the bond shall be included as a condition of the CUP must be

submitted to the Environmental Services Department to include with the CUP prior to the issuance of the Zoning Permit. The bond shall be re-issued on an annual basis until the off-premise advertising devices are removed. Upon removal of the off-premise advertising device at the owner's expense and to the satisfaction of the Environmental Services Department, the bond shall be returned. No interest shall be provided for the bond.

SECTION 16.7 AGRICULTURALLY ORIENTED BUSINESS & AGRITOURISM ACTIVITIES

16.7.1 PERFORMANCE STANDARDS

- A. The site shall be served by a minor collector or higher functional classification of roadway.
- B. All structures not exempted under Chapter 18 require a Zoning Permit. All accessory structures, whether permanent or temporary shall meet the minimum setback requirements of the primary or overlay district in which it is located. No temporary structures shall be erected in any road right of way.
- C. The grounds and all structures shall be maintained in a clean and safe manner. The business/activity shall be operated in a nuisance free manner that does not negatively impact properties in the area, travelers of nearby public roads, and the general public.
- D. Businesses which rely on the presence of domestic farm animals, such as stables and "farm" based petting zoos, shall be registered with the county as *Farm Animals Sites* and shall comply with the requirements of Minnesota Rules Chapter 7020 and 7035, or successor, and the USDA, where applicable.
- E. Businesses which host special events shall require such events to be addressed and approved as part of any required permit. Bars and/or taverns are not permitted as an agriculturally oriented or agritourism activity: however, tastings or samples of agricultural products produced on site or off site may be included as part of the business/activity if identified as a special event as part of the CUP and approved by the Dodge County Board of Commissioners.
- F. Where seasonal produce/harvest sales stands are an accessory use to an allowed Agriculturally Oriented business or *Agritourism Activity*, the following shall apply:

- I. No sales shall take place in the public right-of-way of any Federal, State, County or Township roadway.
 - II. Any temporary structure placed on the property for seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed 120 square feet.
 - III. All structures, including temporary structures, shall meet the minimum setback requirements for Accessory Buildings listed in Section 16.3 of this Chapter.
- G. All structures and grounds utilized by employees or the public shall meet Minnesota State Building Code, Accessibility Code (ADA), and Fire Code. All existing and new buildings, as well as any grounds used for the business, shall be inspected by licensed Building, ADA, and Fire code officials and proof of compliance with all applicable codes shall be submitted to the Environmental Services Department prior to utilization of the site or commencement of any business-related activities
- H. All *Agritourism Products* for sale at a *Farm or Ranch* upon which *Agritourism Activity* takes place must be produced or processed on site. Sale of other off-site products may only be allowed by permit condition if determined complementary to the use of the property and compatible with the purpose of the Agricultural Zoning district as determined the Dodge County Planning Commission and County Board.
- I. *Agritourism Professionals* must carry sufficient liability insurance to address the *Inherent Risks of Agritourism Activity*.
- J. Overnight stay hospitality venues are limited to *Bed and Breakfast Inns* which includes rooms rented out of an owner-occupied *Single Family Primary Dwelling Unit*. Rooms rented out of accessory structures or the rental of accessory structures for the purpose of overnight stays is prohibited. The Bed and Breakfast lodging use shall meet the requirements of Section 16.35. (Lodging Establishments) of this Chapter and all other local state and federal requirements for the use.
- K. All sewage treatment systems located on the property shall have a Certificate of Compliance.
- L. Any well upon the site that provides drinking water to employees or the public shall meet all drinking water standards or the business/activity shall provide alternative drinking water sources. The well shall meet all Minnesota Department of

Health standards for non-transient public water supplies, when applicable.

SECTION 16.8 AIRPORTS

16.8.1 PERFORMANCE STANDARDS- PRIVATE AIR STRIPS

- A. The private airstrip shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.
- B. A private airstrip shall be subject to all applicable provisions of Minnesota Rules, Chapter 8800; or successor rules.
- C. The location of private air strips shall be identified on zoning maps.

16.8.2 PERFORMANCE STANDARDS- PUBLIC AIRPORTS

- A. A public airstrip shall be subject to all applicable provisions of Minnesota Rules, Chapter 8800; or successor rules.
- B. Public airports and airport zoning areas shall be identified on the official zoning maps of the county. The appropriate local governmental unit shall be required to review and approve all permits issued within the identified Airport Zone.

SECTION 16.9 AQUACULTURE

16.9.1 PERMITS REQUIRED

Excavation for ponds which exceeds fifty (50) cubic yards of material shall require an IUP an all zoning district in which they are allowed.

16.9.2 PERFORMANCE STANDARDS

- A. All aquaculture operations shall comply with the standards set forth in Minnesota Statutes, 17.46 to 17.4999; or successor
- B. Aquaculture operations shall be properly licensed by the State and shall comply with Minnesota Rules Chapter 7053.0405; or successor
- C. In order to protect surface and groundwater resources, aquaculture operations may be required to include wastewater treatment or to be closed loop systems with no discharge.
- D. Aquaculture operations with ponds located within the Enhanced Groundwater Sensitivity Area or areas with shallow depth to bedrock, and/or karst features must be constructed with an impervious liner.

SECTION 16.10 BIOFUEL PROCESSING, DISTILLATION OR REFINING

16.10.1 PERFORMANCE STANDARDS

- A. The use shall comply with all applicable Federal, State and County rules and regulations.
- B. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- C. Adequate wastewater and drinking water facilities shall be provided.
- D. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the primary structure.
- E. A transportation management plan shall be submitted to address off-street parking, loading and unloading, internal circulation, traffic control and the impact of the facility on surrounding roadways. The transportation management plan shall include estimates of the number and type of vehicles using the parcel daily and monthly, the times of day when the highest and lowest number of vehicles will be present and other information deemed relevant to assess potential transportation impacts.
- F. An environmental management plan, including a water and sewer management plan to address the use of water and treatment of waste on-site and a stormwater and drainage plan shall be submitted to address the impact of the facility on the environment.
- G. Soils shall be adequate to accommodate the proposed used.
- H. The use is not allowed within the Shoreland or Floodplain Overlay District.
- I. A materials management plan shall be submitted to address storage, handling, use and potential hazards associated with hazardous materials.
- J. An emergency management plan shall be submitted to the Emergency Management Director to address preparedness for, and planned response to, emergency situations likely to be posed by the use.

- K. Parking shall meet the general development standards for Parking of Chapter 17.
- L. Lighting shall meet the general development standards for Lighting of Chapter 17.
- M. Signage shall meet the general development standards for Signs of Chapter 17.
- N. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

SECTION 16.11 CAMPGROUNDS & RECREATIONAL CAMPING AREAS -RCA

16.11.1 PERSONAL RECREATIONAL CAMPGROUNDS

- A. *Recreational Camping Units* or tents in *Personal Recreational Campgrounds* must be owned and utilized by the property owner.
- B. *Recreational Camping Units* placed in *Personal Recreational Campgrounds* must be accessory to the principal use of the property.
- C. *Recreational Camping Units* or tents shall not be located with the regulatory floodplain.
- D. *Personal Recreational Campgrounds* are not subject to *Seasonal Use* limitations when utilized by the property owner.
- E. *Personal Recreational Campgrounds* cannot be utilized as a residence, dwelling unit site or other similar occupancy.

16.11.2 EXTENDED RECREATIONAL CAMPGROUNDS

- A. Up to four (4) tents or *Recreational Camping Units* may be located within an *Extended Recreational Campground*.
- B. *Recreational Camping Units* or tents shall not be located with the regulatory floodplain.
- C. *Extended Recreational Campgrounds* are subject to *Seasonal Use* limitations when utilized by individuals other than the property owner.
- D. *Extended Recreational Campgrounds* cannot be utilized as a residence, dwelling unit site or other similar occupancy.

- E. Permanent structures or sewage treatment facilities are not allowed to be constructed or installed for Extended Recreational Campgrounds.
- F. All *Recreational Camping Units* must be travel ready at all times.

16.11.3 RECREATIONAL CAMPING AREAS (RCA)

- A. An application for a Conditional Use Permit to establish a *Recreational Camping Area (RCA)* shall be submitted on forms provided by the Environmental Services Department.
- B. All *RCAs* shall meet the requirements of Minnesota Rules Chapter 4630, or successor.
- C. *Recreational Camping Units* are only allowed in sites specifically permitted for such units. Parking in camp sites designated for tent camping is not allowed. Only one (1) *Recreational Camping Unit* is allowed per individual site.
- D. The site shall be served by a minor collector or higher functional classification of roadway.
- E. A transportation management plan shall be submitted to address off-street parking, traffic control and the impact of the facility on surrounding roadway. In addition, parking shall meet the requirements Chapter 17 of this Ordinance.
- F. A water and sewage treatment management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment. The plan shall require prior approval by the Environmental Services Department and all facilities shall obtain proper permits and approvals from the appropriate local, state or federal permits and approvals.
- G. *Recreational Camping Unit* density shall be subject to approval of the Dodge County Board.
- H. All *Recreational Camping Unit and tent* sites shall have direct access to an internal circulation roadway.
- I. All *Recreational Camping Unit and tent sites* shall be located at least one hundred (100') feet from the right of way of any public street, road or highway and at least eighty (80') feet from other property boundary lines.

- J. The storage, use or occupancy of manufactured homes or mobile homes in an *RCA* is prohibited.
- K. *Recreational Camping Unit* or *tent* sites are not permitted to be used as residences. The dates upon which the *Recreational Camping Unit* and/or *tent* sites must be vacated will be identified by condition of the CUP.
- L. The addition of any structures to the *RCA* that was not permitted with the original CUP shall require an amended CUP. The construction of decks, patios, fences or other such structure that would typically be associated with permanent residences are prohibited. All *Recreational Camping Units* shall be travel ready.
- M. At least 25% of the *RCA* area shall be dedicated as permanent open space which may be used for passive or active recreation. Roads shall not be used to calculate the required open space.
- N. All buildings, structures, *Recreational Camping Units*, *tent sites* and parking areas shall meet the setback requirement of the applicable zoning district.
- O. *RCAs* located within the Shoreland Overlay district shall also meet the provisions of Chapter 14 of this Ordinance.
- P. Signs shall meet the requirements of Chapter 17 of this Ordinance.
- Q. No structures or campsites of any type are allowed in areas identified as floodplain. Any area of the *RCA* that falls within the Floodplain Overlay District shall be used only as open space.
- R. Unless exempt under Chapter 18, Section 18.12.2, all structures shall require a Zoning Permit.
- S. Temporary or permanent shelters and all campsites must meet the principal structure setbacks of the Primary or Overlay Zoning District in which it is located.

SECTION 16.12 CEMETERIES

Cemeteries shall meet the requirements of Minnesota Statutes Chapter 306 or 307 as applicable, or successor statutes.

16.12.1 PERFORMANCE STANDARDS

- A. Burial plots, grave markers, monuments and building shall meet the setback requirements of the primary or overlay district in which it is located.
- B. Grave sites and structures used for burial or entombment shall be setback one hundred feet (100') from wells, surface water bodies, watercourses, and wetlands.
- C. Grave sites and structures used for burial or entombment are prohibited within the Floodplain Overlay Zoning District.
- D. Pet cemeteries may be permitted as an accessory use on existing cemetery property and shall follow any applicable rules regulating burial of the Minnesota Board of Animal Health and Minnesota Pollution Control Agency.

SECTION 16.13 CHURCHES & OTHER PLACES OF WORSHIP

16.13.1 PERFORMANCE STANDARDS

- A. The facility shall be served by a minor collector or higher function classification of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. Stormwater from impervious surfaces should be adequately treated, contained and infiltrated on site when feasible. In instances where site is connected to a public sewer, the site shall provide for pretreatment of runoff prior to release into the stormwater conveyance or sewer system
- D. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways
- E. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- F. All accessory residential, school or day care uses shall be subject to the provisions of this Ordinance.

SECITON 16.14 CONCRETE (READY MIX) OR ASPHALT MIXING FACILITY

16.14.1 PERMIT REQUIRED

A concrete or asphalt mixing facility shall require an Interim Use Permit (IUP) on a temporary basis in all zoning districts in which they are listed as an Interim Use, unless sited in an existing permitted mine permitted by Dodge County that is in compliance with all local, state and federal permits and/or regulations that apply to the operation. Where the mining of on-site materials is proposed, the site must also meet the requirements of Section 16.38 which addresses Non-Metallic Mines.

16.14.2 PERFORMANCE STANDARDS

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall meet the minimum lot size of the district in which it was located.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings and processing structures shall at a minimum meet the following setbacks:
 - I. The processing, crushing, screening, mixing, etc. of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.
- E. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the parcel. When the adjacent use is not industrial, storage areas shall be fenced and adequately screened from adjacent non-industrial land uses and public road was in accordance with the general development standards for Screening of Chapter 17.
- F. A transportation management plan shall be submitted to address off-street parking, loading and unloading, internal circulation, traffic control and the impact of the facility on surrounding roadways. The transportation management plan shall include estimates of the number and type of vehicles using the parcel daily and monthly, the times of day when the highest and lowest number of vehicles will be present and other information deemed relevant to assess potential transportation impacts.
- G. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a stormwater and drainage plan shall be

submitted to address the impact of the facility on the environment. The plan shall also address environmental protection measure for processing, use, transportation, storage, treatment (if applicable) and disposal of any chemicals, hazardous materials and/or bi-products on site.

- H. All parking areas, turning areas, loading areas and access drives to parking and loading areas shall be durable and dustless.
- I. Lighting shall meet the general development standards for Lighting of Chapter 17.
- J. All noise, dust, vibration, glare and other nuisances shall comply with the General Health, Safety and Welfare Standards of Chapter 17.
- K. All hours of operation shall be established in the permit as approved by the Board.
- L. An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Signs required by this section shall be clearly visible from the public road and shall conform with the general development standards for Signs of Chapter 17.
- M. A performance surety, payable to Dodge County, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any expenses, labor and or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or Ordinance. This option may be executed one hundred eighty (180) days after written notice of non-compliance to the applicant.

SECTION 16.15 DAYCARE

16.15.1 PERFORMANCE STANDARDS

Family Day Care and Group Family Day Care facilities shall comply with the following standards:

- A. The use shall comply with all applicable Federal, State and County rules and regulations.
- B. The daycare shall be owner-operated.

- C. The building and any exterior fenced areas shall meet the setback standards for a single-family primary dwelling in the district in which it is located.
- D. The exterior appearance of the structure shall not be altered from its single-family character.
- E. The sewage treatment system shall be able to provide adequate sewage treatment based upon the facilities located on site, predicted design flow and the maximum occupancy as verified by the SSTS Program Manager. The permittee shall submit a maintenance plan that must be approved by the Department.
- F. For child day care facilities, the play area location and fencing is subject to inspection and licensing requirements of MN Prairie, when applicable.
- G. The grounds and building shall be maintained in a clean and safe manner.
- H. Parking shall meet the general development standards for Parking of Chapter 17.
- I. Loading shall meet the general development standards for Loading of Chapter 17.
- J. When the day care facility is located in church or school building originally constructed for use as a church or school, the use shall be treated as accessory use.
- K. Group Family Day Care shall be licensed under Minnesota Rules Chapter 9502.0315 to 9502.0445, or successor, to serve fourteen (14) or fewer children pursuant to Minnesota Statutes 245A.14, or successor statutes.
- L. Daycare facilities shall not be located within one thousand (1000) feet of registered feedlot of 30 AU or more.
- M. No other commercial use shall occur on the property of day care establishments, including home occupations
- N. One nameplate sign, not exceeding nine (9) square feet shall be permitted and must meet the general development standards for Signs of Chapter 17.

SECTION 16.16 DEMOLITION DEBRIS LAND DISPOSAL FACILITY

16.16.1 PERFORMANCE STANDARDS FOR DEMOLITION DEBRIS
LAND DISPOSAL FACILITIES

Demolitions Debris Land Disposal Facilities shall meet all requirements of Minnesota Rules 7035.2825, or successor, and any applicable Dodge County Solid Waste Ordinances

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible authority grants written permission for such use at the proposed location.
- B. The site shall be located at least one thousand (1000) feet from:
 - I. Dwellings or commercial buildings
 - II. Private or public water supply wells
 - III. Buildings with basements

The setback for dwellings and buildings with basements from existing demolition waste disposal facilities shall be reciprocal.

- C. The facility operator or owner shall submit with the CUP application (if required) information regarding the surroundings, any potential environmental hazard, sanitary facilities and waste disposal, lighting, hours of operation, and other issues identified as relevant to the proposed use.
- D. A transportation management plan shall be submitted with the CUP application to address off-street parking, loading, and unloading, traffic control and the impact of the facility on surrounding roadways.
- E. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with Chapter 17 of this Ordinance.
- F. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.
- G. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- H. A water and sewer management plan shall be submitted with the CUP application to address the use of water and the treatment of waste on-site and the impact on the environment.

- I. An operations plan addressing air quality, dust management, sound attenuation and vibration dampening shall be submitted with the CUP application for approval.
- J. Access to the site shall be controlled to prevent unauthorized dumping.
- K. In the event that the facility ceases operation, the owner or operator shall close the facility in a manner that prevents the escape of pollutants to ground water or surface waters, to soils or to the atmosphere during post closure periods.
- L. The owner or operator will be required to submit with the CUP application a financial guarantee to the County to ensure compliance with the permit and the closure requirements. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.
- M. The placement and operation of Demolition Debris Disposal Facilities shall be prohibited in the mapped Enhanced Groundwater Sensitivity Area.

SECTION 16.17 SOLID WASTE TRANSFER STATIONS

16.17.1 PERFORMANCE STANDARDS FOR SOLID WASTE TRANSFER STATIONS

Solid Waste Transfer Facilities shall meet all requirements of Minnesota Rules 7035.2870, or successor, and any applicable Dodge County Solid Waste Ordinances

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. A transfer station shall have a lot area no less than four times the area of the building footprint.
- C. The Transfer Station shall be located no closer than one thousand (1,000) feet from the nearest dwelling or commercial building.
- D. The facility operator or owner shall submit information with the application to the Department regarding the surroundings, any

potential environmental hazard, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.

- E. A transportation management plan shall be submitted with the CUP application to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- F. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of the underlying zoning district.
- G. All loading and unloading facilities shall be located on the rear or side of the structure or be screened from view from all public roadways and adjacent residential uses in accordance with Chapter 17 of this Ordinance.
- H. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with Chapter 17 of this Ordinance.
- I. A drainage system and Stormwater Management Plan in accordance with Chapter 17 shall be submitted with the CUP application.
- J. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.
- K. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- L. A water and sewer management plan shall be submitted with the CUP application to address the use of water and the treatment of waste and the impact on the environment.
- M. An operations plan addressing air quality, dust management, sound attenuation and vibration dampening shall be submitted with the CUP application for approval.
- N. Access to the site shall be controlled to prevent unauthorized dumping.
- O. The owner or operator will be required to submit a financial guarantee to the County to ensure compliance with the permit and the closure requirements. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.

- P. The placement and operation of Solid Waste Transfers Stations shall be prohibited in the mapped Enhanced Groundwater Sensitivity Area.

SECTION 16.18 DRIVE-IN FACILITIES (DRIVE UP BUSINESSES)

16.18.1 PERFORMANCE STANDARDS

A. SETBACKS

RESOURCE/USE	DRIVE-UP BUSINESS SETBACK DISTANCE
CHURCH	500'
SCHOOL	500'
RESIDENTIALLY ZONED DISTRICT	300'
INTERSECTING ROW	50'

- B. Drive up business shall not be located on any street other than a thoroughfare or business service road;
- C. A minimum of thirty percent (30%) of the gross lot area shall be landscaped;
- D. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street;
- E. Adequate provisions shall be made for dust control if the lot serving the drive-up business is unpaved.
- F. Stormwater from impervious surfaces should be adequately treated, contained and infiltrated on site. In instances where site is connected to a public sewer, the site shall provide for pretreatment of runoff prior to release into the stormwater conveyance or sewer system.
- G. Lighting shall have no direct source visible from the public right-of-way or adjacent land;
- H. An approved screening plan shall be submitted as a part of this development type when abutting a residential zoning district. The screening material, whether fence or vegetation, shall be:
 - I. A minimum of fifty percent (50%) in opacity;
 - II. No more than six feet (6') nor less than four feet (4') in

height;

- III. Constructed along the property line abutting any residentially zoned property.

SECTION 16.19 DWELLING UNITS – SINGLE FAMILY PRIMARY

16.19.1 PERFORMANCE STANDARDS

In all zoning districts where Single Family Primary Dwelling Units are allowed, the following standards shall apply. For performance standards addressing Temporary Second Dwelling Units, see Section 16.20 of this Chapter.

- A. There shall be no more than one (1) Single Family Primary Dwelling Unit on any one (1) parcel of land.
- B. The proposed parcel for the Single Family Primary Dwelling Unit shall be reviewed and approved by the Environmental Services Department under the appropriate process identified this Ordinance. No proposed parcel will be approved where a later variance from one or more standards from the Zoning Ordinance would be needed to use the lot for the intended purpose.
- C. The Single Family Primary Dwelling Unit shall meet all performance standards and requirements of this Ordinance, or successor without the need for variances.
- D. The density of Single-Family Primary Dwellings Units shall meet the provisions of the primary and/or overlay district, any township density criteria approved under Section 8.5.1, and any general development standards of Chapter 17 of this Ordinance.
- E. No basement or cellar, except when used as a portion of the living space of a single-family home or as an earth sheltered home shall at any time be used as a residence or dwelling unit, temporarily or permanently.
- F. No tent, house trailer, camper trailer, camper bus, or accessory building shall at any time be used as a residence or dwelling unit. Existing accessory buildings or an approved *Recreational Camping Unit* may be used as temporary quarters during construction involving a replacement of a dwelling or reconstruction of a substantially damaged dwelling for no more than eight (8) months, provided:
 - I. The site has adequate sewage treatment for the anticipated use of the accessory building as determined by the

Environmental Services Department, and

- II. The dwelling which the accessory building serves is actively under construction at the time of the occupancy of the accessory building.
- G. There is no minimum width for a single-family dwelling unit; however, it shall have adequate width necessary to provide for independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Where an owner proposes to utilize a *Recreational Camping Unit* as a dwelling/occupancy, rather than for recreation, travel or vacation, the *Recreational Camping Unit* must meet all ordinance requirements for Single Family Primary Dwelling Units.
- H. All dwelling units shall be affixed to a permanent foundation.
- I. All manufactured homes utilized for dwelling units shall display a seal which certifies it meets the construction, plumbing, electrical, and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute (ANSI).
- J. Dwelling units or other accessory structures shall not be permitted in areas classified as wetlands, peat and muck, and other areas of poor drainage as determined by USDA's web soil survey of Dodge County.
- K. Dwelling Units shall not be permitted on land which has a slope of twelve percent (12%) or greater, unless:
 - I. The application for the zoning permit is accompanied by an engineer's report showing adequate footings can be constructed, and
 - II. Drainage plans address the prevention of erosion during and after construction, and an Erosion Prevention and Sediment Control Plans are provided and implemented in accordance with Chapter 17.
 - III. Grading plans have been prepared for the site.
- L. Any land disturbing or development activities on land which has a slope of eighteen percent (18%) or greater is prohibited.
- M. Proposals to construct, alter, or relocate dwellings shall conform to

all other applicable regulations of Dodge County and state and/or federal law, rules and regulations.

- N. New dwelling units shall not be located within any areas identified as regulatory floodplain. Existing (pre-firm) dwelling units located within the Floodplain Overlay District, where the lowest floor is below the RFPE are considered nonconformities and regulated according to the provisions of Chapter 6 and Chapter 15 of this Ordinance.
- O. Dwelling units shall be served by a sewage treatment system compliant with Chapter 21 of this Ordinance and Minnesota Rules Chapters 7080-7083, or successor. Sewage treatment systems located in the Enhanced Groundwater Sensitivity area are required to utilize pressure distribution and apply best management practices in accordance with the University of Minnesota's Onsite Sewage Treatment Program recommendations.
- P. Dwelling units shall be located at a setback of 1,000 feet from an existing feedlot of 30 animal units or more, unless the dwelling unit is constructed as part of the feedlot site and is occupied by the owner of the feedlot.
- Q. ALTERATIONS TO SINGLE FAMILY PRIMARY DWELLING UNITS
 - I. Additions to a Single Family Primary Dwelling Unit cannot result in the creation of a *Duplex* as defined in Chapter 4 of this Ordinance.
 - II. A *Breezeway*, as defined in Chapter 4 of this Ordinance, and/or a screened-in porch cannot be used to connect an addition containing living space to an existing Single-Family Dwelling Unit.
 - III. Dwelling additions must be attached to, and incorporated into, the living space of the existing Single-Family Dwelling Unit. Dwelling additions with living space cannot be attached to the garage or any other non-living space.
 - IV. Alterations of an existing Single-Family Dwelling Unit involving the removal of a bedroom requires that the space no longer meets the definition of a *Bedroom* under Chapter 4 of this Ordinance.
- R. New single family primary dwelling units replacing a dilapidated dwelling previously removed from a parcel after a removal permit

was granted in accordance with Chapter 18 shall be permitted if/when the request complies with Chapter 17 of this Ordinance.

SECTION 16.20 DWELLING UNITS – TEMPORARY SECOND

16.20.1 PERFORMANCE STANDARDS

- A. All Temporary Second Dwelling Units (TSDU) permitted under an Interim Use Permit (IUP) shall be a mobile or modular home that meets or exceeds the current Federal and State Mobile/Manufactures Home Construction safety standards and certifications, or a *Recreational Camping Unit* approved by the Environmental Services Department. Where an owner proposes to utilize a *Recreational Camping Unit* as a TSDU, rather than for recreation, travel or vacation, the *Recreational Camping Unit* must meet all ordinance requirements for Temporary Second Dwelling Units. No accessory building shall be permitted as a Temporary Second Dwelling Unit for any period of time.
- B. The area between the bottom of a mobile home utilized as a TSDU and the ground shall be skirted with a fireproof material harmonious with the appearance of the mobile home and provide access for inspection and maintenance. Plywood, hardboard, cardboard, or baled hay or straw shall be prohibited.
- C. The TSDU, if not placed on a permanent foundation, shall be anchored or tied down in accordance with the manufacturer’s specifications.
- D. The TSDU shall be permitted by an Interim Use Permit (IUP).
 - I. EXPIRATION. An IUP for a TSDU shall expire five (5) years from the date of County Board approval. In the event the IUP is expired, a new IUP shall be required.
 - II. TERMINATION. An IUP shall be terminated
 - a. If any of the terms of conditions defined in the Interim Use Permit are violation, or;
 - b. If any of the parties identified in the Interim Use permit (owner and/or applicant) no longer occupy the property.

In the event the IUP is considered terminated, a new IUP shall be required.

- III. EXTENSION. An IUP for a TSDU may be extended for one (1) additional five (5) year term, provided;
 - a. The IUP is not null and void under the terms of Section 16.20.D.I or 16.20.D.II, above.
 - b. The IUP extension request is accompanied by a signed statement from other landowners in the quarter section who are eligible for a TSDU, which indicates they understand they are foregoing their right to a TSDU for an additional five (5) year time period, and
 - c. The extension request is received by the ES Department a minimum of ninety (90) days before expiration, and;
 - d. The County Board approved the extension request before the expiration date of the IUP, which is five (5) years from the date of original County Board approval.
- E. At the time of expiration or termination for the IUP, the TSDU shall be removed from the premises within sixty (60) days.
- F. There is no minimum width for a TSDU; however, it shall have adequate width necessary to provide for independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- G. The water supply system serving the TSDU shall meet all applicable Minnesota Department of Health requirements for water wells (MN Rules, Chapter 4725, or successor.)
- H. The sewage treatment system serving the TSDU shall meet the requirements of Chapter 21 of this ordinance or successor. Sewage treatment systems located in the Enhanced Groundwater Sensitivity Area are required to utilize pressure distribution and apply best management practices in accordance with the University of Minnesota's Onsite Sewage Treatment Program recommendations.
- I. A new access for a TSDU shall be prohibited. TSDUs shall use the existing road access driveway of the existing Single Family Primary Dwelling Unit.
- J. The TSDU shall be located within the existing building site of the Primary Dwelling Unit and shall not take existing agricultural land out of production.

- K. The TSDU shall meet all setbacks of the Primary and/or Overlay Zoning District in which it is located. A TSDU is not allowed on any parcel that has been approved for additional density under Section 8.5.1.C of this Ordinance.
- L. The lot, parcel or tract of the property proposed for the TSDU shall be no less than the minimum size of the Primary and/or Overlay District in which it is located. However, the lot must also be of sufficient size to sustain a TSDU, the well, sewage treatment system and all other setbacks without the need for variances.
- M. Splits of any lot, parcel, or tract which contains a Temporary Second Dwelling Unit permitted by an Interim Use Permit is prohibited. The property owner shall be required to sign and record a restrictive covenant which would prevent the TSDU from being split off and sold as a separate Single Family Primary Dwelling Unit Site.
- N. TSDUs shall not be permitted in areas classified as wetlands, peat and muck, and other areas of poor drainage as determined by the official soils map of Dodge County.
- O. TSDUs shall not be permitted on land which has a slope of twelve percent (12%) or greater, unless:
 - I. The application for the zoning permit is accompanied by an engineer's report showing adequate footings can be constructed, and an Erosion Prevention and Sediment Control Plans are provided and implemented in accordance with Chapter 17.
 - II. Drainage plans address the prevention of erosion during and after construction, and
 - III. Grading plans have been prepared for the site.
- P. Any land disturbing or development activities on land which has a slope of eighteen percent (18%) or greater is prohibited.
- Q. TSDUs shall be located at a setback of 1,000 feet from an existing feedlot of 30 animal units or more, unless it is constructed as a TSDU serving the single-family primary dwelling at the feedlot site.
- R. Additions to TSDU are prohibited.
- S. Alterations or modifications to TSDU that affect the capacity of the

SSTS are not allowed.

SECTION 16.21 ESSENTIAL SERVICES

16.21.1 JURISDICTION

This section shall apply to all essential services proposed for installation in Dodge County.

For all projects that may be subject to local review under Minnesota Statutes 216E.05, Subd. 2, as amended, Dodge County shall request the Minnesota Public Utilities Commission to assume jurisdiction of the environmental review and permitting of the project.

Where federal or state government does not have jurisdiction over a project, or where it exempts from or elects not to accept jurisdiction for project, the County may permit the project as a *Major Essential Service* under this section.

Wherever the provisions of this chapter are inconsistent or different than State or Federal law, the more restrictive controls shall prevail.

16.21.2 ENVIRONMENTAL REVIEW

The Dodge County Planning Commission or Board of Commissioners may require, during the consideration of activities under this section, the completion of an EAW and EIS pursuant to MN Statutes, Section 116D.04, Subd. 2a, item (a), and the rules promulgated there under. The County requires that the developers provide all the data for completion of the EAW or EIS as requested by the County and the developer shall reimburse the County for the total cost of the EAW or EIS consistent with the provisions of MN Statute Section 116D.05 and Minnesota Rules, parts 4410.6000 to 4410.6500.

16.21.3 EXEMPTIONS FROM REGULATIONS

The following activities are exempt from the permitting requirements of this ordinance:

- A. Required maintenance or rebuilding of any *Major* or *Minor Essential Service*, when such maintenance or rebuilding does not expand the capacity, change the capability or change the location of the existing facility.
- B. The installation or maintenance of Single Service Lines from the *Minor Essential Services (Distribution)* to the customers of a utility company or government agency, when such work is not located within a public right of way.

16.21.4 MAJOR ESSENTIAL SERVICES PROCEDURES

Zoning Permits, Conditional Use Permits and Variances shall be submitted on an application provided by the County and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes, Chapter 394. In certain instances, a waiver of depth requirements for pipelines may be allowed under the procedures identified in Section 16.21.4.E of this Chapter. Construction of a new *Essential Service* that would detrimentally impact the public health, safety and general welfare in a manner that cannot be mitigated shall be prohibited.

A. PERMITTING PROCEDURE

- I. PERMITS REQUIRED – *Major Essential Services* shall require a Conditional Use Permit in all Primary and Overlay zoning districts. An *Essential Service Structure* shall require a Zoning Permit and meet all performance standards for the use and the district in which it is located.
- II. APPLICATION REQUIREMENTS - An application to the County for any permit issued under this chapter shall be submitted on forms provided by the County
- III. REQUIRED SUBMITTALS - An application for a *Major Essential Service* shall be submitted to the Dodge County Zoning Administrator, the Dodge County Highway Engineer and the Clerk of the affected Township(s). If work is proposed that would impact the Dodge County judicial ditch/tile system, a copy of the application shall also be made to the Dodge County Ditch Inspector.

B. PRE-CONSTRUCTION REQUIREMENTS

Construction authorized for any *Major Essential Service* shall be in accordance with the approved plan, all standards of this Chapter and the Conditional Use Permit on file in the office of Dodge County Environmental Services Department.

PRIOR TO CONSTRUCTION:

- I. The essential service owner or authorized agent shall notify the County Highway Engineer, the Dodge County Zoning Administrator, and the Clerk of the affected Township(s) no less than forty-eight (48) hours prior to construction.

- II. The essential service owner or authorized agent shall provide proof of insurance for all contractors performing work on the essential service project in accordance with Section 16.21.6 of this Chapter.
- III. The essential service owner or authorized agent shall submit copies of all final permits, agency approvals and documentation that verify compliance with all relevant state, local and federal regulations to the Dodge County Environmental Services Department.

C. POST-CONSTRUCTION REQUIREMENTS

- I. AS-BUILTS - Within sixty (60) days of project completion, the essential service owner shall submit to the Dodge County Highway Engineer, the Dodge County Zoning Administrator and the Clerk of the affected Township(s), an as-built drawing of the *Major Essential Service* after construction. For *Major Essential Services* not located within a public road right of way, the as-built shall include a surveyor's description of the course of the essential service as it traverses Dodge County.
- II. OTHER CERTIFICATIONS/INSPECTIONS – When required by the County Board, prior to operation of the essential service, the essential service owner shall provide verification that the essential service is in compliance with all applicable construction and safety codes for the service. The inspection(s) must be performed and documented by appropriately licensed inspector(s)/engineer(s). Any costs associated with the contracted inspection shall be paid by the owner of the essential service.
- III. POST CONSTRUCTION ROAD AUTHORITY SIGN-OFF - The affected Road Authority(ies) shall sign off that all work has been completed to their satisfaction.
- IV. RECORDING OF SURVEY MARKERS. The permanent location of monuments or markers found or placed in a survey of the essential service route shall be placed on record in the office of the County Recorder by the owner of the essential service. No fee shall be charged for recording this information.

D. INSPECTIONS

- I. INSPECTOR - The County Board may require that a qualified inspector be on the site of installation of a *Major Essential Service*. The Board will establish a fee schedule

for inspections consistent with applicable State laws and County policies.

- II. PIPELINE REQUIREMENTS - *With respect to pipelines, the following shall apply.* The County Board shall hire a qualified inspector to inspect the pipeline construction. Before beginning construction, the applicant shall pay an inspection fee to the County Finance Director. The fee shall be in the amount up to \$500 for each mile or fraction of a mile of pipeline that will be constructed in the County. The County may also assess additional fees for the public hearing process.
- III. INSPECTIONS - If the inspector determines the *Major Essential Service* project is not in compliance with this chapter or any permit issued for the project, the inspector shall immediately notify the County Board. Enforcement actions shall follow the procedures identified in Chapter 19 of the Dodge County Zoning Ordinance.

The inspector shall maintain a written log which shall be filed with the Conditional Use Permit located in the Environmental Services Department. The log shall include:

- a. A record of comments and complaints concerning the essential service construction.
- b. Any issues regarding failure to settle damage claims filed by any owner or lessee.
- c. Any failure to comply with the terms of an easement agreement.
- d. Status of compliance with the ordinance and all applicable permits.
- e. Status of compliance with all required permits issued by other federal, state or local agencies.

E. VARIANCE REQUESTS

- I. FOR PIPELINES, WAIVER OF DEPTH REQUIREMENT - In any easement granting right of way for a pipeline over agricultural land the grantor of the easement may waive the minimum depth of cover established in Section 16.21.4.F.IV with respect to all or part of the pipeline to be buried under

that land. A waiver of the minimum depth of cover shall be effective only if the waiver:

- a. Is separately and explicitly stated in the easement agreement and includes a statement by the grantor acknowledging that he has read and understood the waiver.
- b. Is printed in capital letters and in language understandable to an average person not learned in law.
- c. Is separately signed or initiated by the grantor. All signatures on the waiver shall be witnessed and signed by a Notary Public and the waiver shall be recorded in the Dodge County Recorder's Office.

II. VARIANCES -Variance requests from standards established in this Chapter shall be processed under the administrative procedures of Chapter 18. In addition to the criteria for the granting a variance defined in Chapter 18, applicants will need to show that:

- a. A depth or height less than that required in Section 16.21.4.F.IV is reasonably necessary to allow transition from Dodge County to a bordering County.
- b. A variance is reasonably necessary to allow for a transition in depth from agricultural land for which a waiver has been granted according to Section 16.21.4.E of this Chapter and adjoining parcels of land.
- c. A variance is reasonably necessary for the installation of required essential service structures or apparatus and the variance is for the immediate vicinity of the essential service structure.

III. VARIANCE PROHIBITION - No variance shall be granted so as to allow any essential service line to be placed at a depth less than the depth established in Section 16.21.4.F.IV beneath the authorized depth of drainage facilities or the right of ways of roads under the jurisdiction of the County.

F. PERFORMANCE STANDARDS FOR MAJOR ESSENTIAL SERVICES

I. SAFETY DESIGN STANDARDS

- a. EQUIPMENT – Equipment shall conform to applicable industry standards.
- b. CLIMBING APPARATUS – All climbing apparatus shall be located at least fifteen (15) feet above the ground. *Essential Service Structures* shall have controlled access and be secured at all times.
- c. WARNINGS - Appropriate warning signs shall be posted on *Essential Service Structures*. Signs with emergency contact information shall also be posted at a suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the *Essential Service Structure*.

II. HEIGHT STANDARDS

- a. All *Essential Service Lines* permitted under a CUP are exempt from the height performance standards of the underlying zoning district.

III. CONFIGURATION STANDARDS

- a. COLOR AND FINISH - All *Essential Service Structures* shall be white, light blue gray, beige or another non-obtrusive color. Finishes shall be matte or non-reflective.
- b. 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 night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

IV. DEPTH AND CLEARANCE FOR ESSENTIAL SERVICE LINES

TYPE OF TRANSMISSION	UNDER AG LAND	UNDER ROW	UNDER ROAD SURFACE	TILE CLEARANCE	UNDER DITCH*	OVER LANDS	TOPSOIL SEGREGATION
Pipeline – Natural Gas	4.5'	4.5'	4.5'	12"	4.5'	NA	2'

Pipeline Petroleum Hydrocarbon	-	4.5'	4.5'	4.5'	12"	4.5'	NA	2'
Pipeline - Water		6'	6'	6'	12"	4'	NA	2'
Pipeline - Other		4.5'	4.5'	4.5'	12"	4.5'	NA	2'
Powerlines Underground	-	3'	3'	3'	12"	4'	NA	NA
Powerlines Overhead	-	NA	NA	NA	NA	NA	20'	NA
Communications Underground	-	3'	3'	3'	12"	4'	NA	NA
Communications Overhead	-	NA	NA	NA	NA	NA	20'	NA

* Minimum depth under authorized depth of drainage ditch.

V. SETBACKS FOR ESSENTIAL SERVICE STRUCTURES
Essential Service Structures shall meet all applicable performance standards for the use and the zoning district in which it is located.

VI. SETBACKS FOR MAJOR ESSENTIAL SERVICE LINES
 For the following *Major Essential Services* that are not located within a public road right-of-way, the following setbacks apply. All distances are measured from the closest edge of the easement to the closest part of the structure.

ESSENTIAL SERVICE LINE	OCCUPIED STRUCTURES	UNOCCUPIED STRUCTURES	FACILITIES REQUIRING ASSISTED EVACUATION*
Pipelines - Natural Gas	150'	25'	500'
Pipelines - Hazardous Liquids	50'	25'	100'
Powerlines - Overhead	100'	50'	100'
Powerlines - Underground	50'	25'	50'

VII. FACILITIES REQUIRING ASSISTED EVACUATION -
 "Facilities requiring assisted evacuation" include, but are not limited to, congregate living, convalescent services, detention facilities, day care services, hospitals, clinics, public and private schools, retirement housing, nursing homes, group homes or other similar uses.

- a. A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within five hundred (500) feet of a hazardous pipeline.
- b. This prohibition does not apply to a structure that is located between two hundred (200) and five hundred (500) feet of a hazardous pipeline if by resolution the

Board determines, after receiving a recommendation from the Emergency Management Director and Fire Chief of the applicable district, that the structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of pipeline leak or fire associated with the pipeline after considering:

1. The requirements of the Uniform Fire Code
2. The site and structure design
3. The structures building materials
4. The structures distance from the pipeline
5. The use of radiant energy barriers
6. Access to the site and the structure by emergency responders;
7. Available on-site resources for emergency responders
8. Topography and other natural features
9. The use of the structure; and
10. The evacuation capability of the occupants

G. DEVELOPMENT STANDARDS

In addition to the performance standards of Section 16.21.4.F, the following shall apply to all permits or approvals required for Essential Services:

I. ROADS, DRIVES & ACCESSES

- a. Essential services shall be located so as not to impair existing and future transportation routes.
- b. Private roads, driveways or lanes damaged by actions associated with the construction, operation or maintenance of essential services shall be immediately repaired to the pre-existing condition, unless otherwise negotiated with the affected landowner.
- c. All public and private roads, driveways or other access shall be bored unless the Board of County Commissioners approves an alternate procedure. Those unpaved roads that are infrequently used and not regularly maintained may be cut, backfilled and compacted with material to the County Highway

Engineer's specifications if approved by the affected Road Authority.

- d. Each installation under a public road shall meet the approval of the Dodge County Highway Engineer. The County Highway Engineer will also require additional permits and bonding requirements for all County State Aid Highways and County Roads. If a Township road is involved, the Town Board's approval of the method of installation shall be required prior to construction.
- e. Any disturbed soils shall be fine graded and seeded with a MnDOT approved seed immediately following construction.
- f. The County shall provide written notice to the owner of affected essential service(s) of any changes or improvements proposed to the County ROW or within one hundred (100) feet of the ROW. Within forty-five (45) days of receipt of the notice, the owner shall alter, change, vacate or remove the essential facility to conform with the proposed changes or improvements. All costs of relocation or removal of the essential service shall be paid by the owner of the essential service.
- g. During construction of underground essential service facilities, the essential service owner shall provide suitable crossovers installed over the essential service as needed by the property owner.

II. DRAINAGE SYSTEMS

- a. Essential services shall be located so as not to impair existing and future drainage systems.
- b. During construction, operation, and maintenance of a Major *Essential Service*, damages to public and private drainage systems shall be avoided.
- c. If avoidance of public and private drainage systems is not possible, the owner of the essential service shall minimize and mitigate impacts to the maximum extent feasible.

- d. The owner of the essential service shall hire a local agricultural drainage company to immediately repair any damage to public and private drainage systems stemming from construction, operation, or maintenance of the *Major Essential Service*. Before repair work is completed, any tile openings shall be protected to prevent dirt, silt or animals from entering the system. Any repair work performed on public ditches shall be approved by the Dodge County Ditch Inspector. All costs associated with the repair work shall be paid by the owner of the essential service.
- e. If settling of a tile line repair or installation trench occurs after construction, the owner of the essential service shall ensure tile is properly functioning prior to repair to preconstruction. All costs associated with repair work or any losses caused by the settling shall be paid by the owner of the essential service.
- f. Public ditch banks shall be seeded and mulched a minimum of one rod (16.5 feet) in width from the top of the bank as soon as possible, but not later than fourteen (14) days following installation. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).
- g. The construction, maintenance or operation of an essential service line that crosses any public or private watercourse, including drainage ditches shall not impede the normal flow of water.
- h. Any relocation or improvement of an essential service facility that is required as a result of establishment, improvement or repair or any County or judicial ditch shall be at the expense of the essential service owner.
- i. A pipe shall be installed to accommodate future installations of drain tile at location and depths as shown on plans given to the essential service facility by the property owner, if a private tile, or by the ditch authority if a County or judicial tile. If a County or judicial or private drainage system shall later be established, improved or repaired or additional lines installed to effect proper drainage, the essential

service facility shall reimburse the ditch authority or property owner for any necessary additional installation expenses incurred which are directly attributed to the presence of the pipeline.

- j. Appropriate erosion control methods shall be applied to prevent the deposition of sediment into watercourse or wetlands. Stream banks and other disturbed areas adjacent to watercourses and wetlands shall be immediately stabilized and re-seeded or sodded within seven (7) days of disturbance, weather permitting. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).

III. PROPERTY – The essential service owner shall protect and restore property impacted by essential services and mitigate the adverse impacts of construction on the use of that land.

- a. APPLICATION OF HERBICIDES AND/OR PESTICIDES Use of herbicides and/or pesticides is restricted to those approved by the Minnesota Department of Agriculture. Methods and rates of application of herbicides and/or pesticides shall be in accordance with recommendation of the Minnesota Department of Agriculture. The essential service owner shall contact the landowner prior to application.
- b. FENCES – The essential service owner shall promptly repair or replace all fences and/or gates removed or damaged during the project life and provide continuity of electric fence circuits.
- c. TREE REMOVAL – The essential service owner shall minimize the removal of trees and shall not remove trees or shelter belts without approval of the affected landowner.
- d. WINDBREAK REPLACEMENT/SHELTERBELT – Shelterbelts and windbreaks shall be replaced to pre-construction density, unless:
 - 1. Replacement will interfere with normal operation and maintenance activities of the major essential service.

2. Otherwise negotiated with the affected landowner.
- e. TOPSOIL AND COMPACTION – The essential service owner shall protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. Soil compaction of all lands shall be minimized during all phases and confined to as small of an area as possible.
- f. ACCESS - Major essential service construction activities shall be conducted in such a manner as to minimize impacts on *Farm Animals* movements and access to agricultural fields.
- g. EROSION - Critical areas (slopes greater than 12% or other areas subject to erosion) shall be seeded and mulched as soon as possible after construction. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).
- h. LAWNS - Existing lawns impacted during construction shall be re-sodded, unless otherwise negotiated with the affected property owner.
- i. DEBRIS - Rocks, slash and other construction debris shall be completely removed from each individual section of land where construction takes place within thirty (30) days of the commencement of Major Essential Service construction on that individual section of land.
- j. LITTER - Clean up of personal litter, bottles, and paper shall be done on a daily basis.
- k. EXCAVATED AREAS - Regrading and backfilling of any excavated areas shall be completed to County Highway Engineer requirements.

H. INDEMNIFICATION

- I. The owner of the essential service shall indemnify, keep and hold Dodge County, each Township crossed by the essential service, and every public ditch system free and harmless

from all claims resulting from injury or damage to persons or property caused by the construction, maintenance, repair, or operation of the essential service, except where the acts or omissions, of the County, Township, or ditch system have caused the injury or damage.

- II. The owner of the essential service shall indemnify and hold harmless the property owner, family, tenants, and employees from and against all claims resulting from the presence of the essential service, including those caused by negligence while engaged in normal farming operations, excluding drainage, improvements, drilling or blasting activities.
- III. Where the property owner notifies the essential service owner through the Statewide notification center of Gopher State One Call (GSOC) of intent to excavate or dig, excluding farming activity on the easement right of way or adjacent thereto, the essential service owner will indemnify and hold harmless the landowner, his family, tenants and employees from all claims for damages resulting from the preservation of the essential service and caused by the specified activity for which notice was given.
- IV. In the event the property owner notifies the owner of the essential service of the need for emergency repairs to drainage ditches or tile, indemnification shall be provided by the essential service owner upon forty-eight (48) hours notification through GSOC. Emergency repairs shall include repairs necessary to avoid delays in preparation of the soil and planting and harvesting of crops where the need for emergency repairs are specified in the notification.

I. DISCONTINUANCE

If at any time the use of an *Essential Service Line* or *Essential Service Structure* is discontinued for one hundred eighty (180) days, the County Board may declare the facility abandoned. Discontinuance excludes any dormancy period between construction and the initial use of the facility. The owner of the facility shall be notified in writing and instructed to either reactivate the use within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the County will remove or will contract to have removed the facility and assess the owner/operator the costs.

J. FEES

- I. The Fees for a zoning permit, variance, amendment, or conditional use permit, shall be established by the County Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Permit only after the fee has been paid and a determination has been made that the application complies with the terms of the Conditional Use Permit, the performance standards of this section, and other relevant portions of the Dodge County Zoning Ordinance.
- II. Fees for the inspection of pipelines are governed by Minnesota Statutes 216G.07, Subd. 6, or successor. The fee shall be in the amount of five hundred dollars (\$500) per mile or fraction of a mile of pipeline that will be constructed in Dodge County.

16.21.5 MINOR ESSENTIAL SERVICE PROCEDURE

It is the intention of this section that *Minor Essential Services*, excluding *Essential Service Structures*, shall be located entirely within a public road right-of-way (ROW).

Based upon their location, *Minor Essential Services* will be permitted under the procedures of 16.21.5.A, 16.21.5.B, or 16.21.5.C, below. *Essential Service Structures* associated with *Minor Essential Services* shall require a Zoning Permit and meet any performance standards for the use and all applicable setbacks. Zoning Permits and Variances associated with *Minor Essential Services* shall be submitted on an application provided by the Dodge County Environmental Services Department and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes, Chapter 394.

A. FOR WORK WITHIN COUNTY ROAD RIGHT OF WAY (ROW)

Applications for locating any *Minor Essential Service Line* in any County easement or ROW shall be governed by the following procedures:

- I. The applicant shall file with the Dodge County Highway Engineer, Dodge County Zoning Administrator and affected Township(s), on form supplied by the Dodge County Highway Department, an application for a permit accompanied by maps and drawings, if available, indicating the locations, alignment, type of service proposed and any associated *Essential Service Structures*.

- II. Any *Essential Service Structure* associated with *Minor Essential Service* projects shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located.
- III. For applications without *Essential Service Structures*, the application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit.
- IV. The County Engineer may require in conjunction with issuance of the permit that:
 - a. The applicant submits as-built drawings of the essential service after construction.
 - b. The applicant constructs the *Minor Essential Service* to take into consideration contemplated widening, regrading or relocation of a County Highway or County State Aid Highway.
 - c. Other requirements as determined by the engineer after discussion with the essential service provider.

B. FOR WORK WITHIN TOWNSHIP ROAD RIGHT OF WAY

Applications for locating any *Minor Essential Service* in any Township ROW shall be governed by the following procedures:

- I. The applicant shall contact the Clerk of the affected Township(s) to provide information on the alignment and type of service proposed.
- II. Any *Essential Service Structures* associated with a *Minor Essential Service* shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located.
- III. Prior to construction, the applicant shall provide the Dodge County Highway Engineer and Zoning Administrator copies of written permits or approval(s) from each Township which the *Minor Essential Service* traverses.

C. FOR WORK OUTSIDE OF ANY ROAD RIGHT OF WAY

It is the intention of this Chapter that *Minor Essential Service Lines* be located entirely within a public road ROW. Unless prior approval from the Road Authority is granted, *Essential Services Lines* not located within a public road right of way shall meet the structure setback of the zoning district in which it is located.

- I. *Minor Essential Service Lines* located outside of the road ROW, but less than the structure setback shall require approval from the Road Authority. The Road Authority may require modifications to the proposed *Minor Essential Service Line* to accommodate future expansion or road improvement projects.
- II. Any *Essential Service Structure* associated with a *Minor Essential Service* shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located
- III. *Minor Essential Service Lines* that are located outside of the road ROW, located beyond the required building setback and are equal to or greater than the minimum depth or clearance standards do not require a permit.

16.21.6 CERTIFICATES OF INSURANCE

Prior to construction, Certificates of Insurance, or self insurance for all contractors performing work on the essential service shall be submitted to the Zoning Administrator and Highway Engineer.

All certificates of insurance shall contain a provision that the policies will not be canceled or materially changed until at least ten (10) days prior to written notice has been given to the Dodge County Highway Engineer and Dodge County Zoning Administrator. This insurance or self insurance shall terminate upon completion of the construction of the essential service. This insurance shall be written for no less than the following limits:

<u>WORKERS COMPENSATION</u>	Minn. Statutory
<u>CONTRACTORS (GENERAL)</u>	
Bodily Injury	
Each Person	\$ 500,000.00
Each Accident	\$1,500,000.00
Property Damage	

Each Accident	\$ 500,000.00
Aggregate	\$ 1,500,000.00

AUTOMOBILE LIABILITY

Bodily Injury	
Per Claimant	\$ 500,000.00
Per Occurrence	\$1,500,000.00
Property Damage	
Per Claimant	\$ 500,000.00
Per Occurrences	\$1,500,000.00

SECTION 16.22 EXCAVATION OR IMPOUNDMENT TO CREATE OPEN WATER

16.22.1 PERMIT REQUIRED

Unless exempt under 16.22.2, below, excavation of material requires an IUP in all zoning districts in which it is allowed.

16.22.2 EXEMPTIONS

- A. Excavations less than five hundred (500) square feet of surface area and two (2) feet in depth, provided excavation does not occur in any wetland.
- B. Excavations less than fifty (50) cubic yards
- C. Excavations and impoundments of water for agricultural purposes/programs regardless of size, provided the provisions of 16.22.3.B are met.

16.22.3 PERFORMANCE STANDARDS

- A. Excavations for waterfowl and wildlife (ponds) shall meet the design standards of the Minnesota Department of Natural Resources publication "Excavated Ponds for Wildlife", or other suitable design as approved by applicable MNDNR staff.
- B. Excavations and/or impoundments of water for agricultural purposes shall be designed and/or reviewed and approved by the USDA NRCS or Dodge County SWCD staff.
- C. All excavations conducted in or near wetland must comply with Minnesota Wetland Conservation Act, Minnesota Rules Chapter 8420.
- D. Excavations and/or impoundments of water within the Enhanced Groundwater Sensitivity Area or areas with shallow depth to

bedrock, and/or karst features must be constructed with an impervious liner.

SECTION 16.23 FAIRGROUNDS

County fairgrounds are subject to the provisions of Minnesota Statutes Chapter 38.

16.23.1 PERFORMANCE STANDARDS

Fairgrounds must comply with the following standards:

- A. All buildings, structures, sanitary facilities, and grounds shall be properly maintained at all times.
- B. Signs, not to exceed twenty-four square feet (24 s.f.), which identify fair sponsors may be permitted on an annual basis. Permitted signs shall only identify the names of sponsoring individuals or businesses. No phone numbers, addresses, business solicitations or anything which may be construed as outdoor advertising are allowed. Illuminated signs are prohibited.
- C. Any building used for fair purposes may be used for the seasonal storage of boats, autos, and other recreational vehicles if the following conditions are met.
 - I. All seasonal boats, autos and recreational vehicles shall be brought to the Fairgrounds in the month of October and removed during the month of April;
 - II. No advertising signage is allowed as part of seasonal storage activities;
 - III. Buildings used for seasonal storage must be primarily for Fair purposes and cannot be erected for the purpose of storage;
 - IV. Outside storage may be allowed if a site plan is reviewed and approved by the Dodge County Board of Commissioners;
 - V. Inside storage may be allowed if a site plan is reviewed and approved by the Dodge County Board of Commissioners.
- D. The Fairgrounds may be used for the purpose of other Special Events, subject to Fair Board Approval, provided:

- I. All applicants and participants carry proper insurance;
- II. Adequate sanitary facilities shall be provided;
- III. Proper licensing and/or permits are obtained for all activities taking place on site;

SECTION 16.24 FEEDLOTS & PASTURES

Dodge County regulates land use for *Farm Animals Sites*, but is not delegated for administering the MPCA feedlot program. Any feedlots & pastures operations regulated under Minnesota Rules Chapter 7020, as amended, should refer to the MPCA for further information, procedures and permits requirements.

16.24.1 FARM ANIMAL REGISTRATION

All *Farm Animals Sites*, including feedlots and pastures, within Dodge County are required to maintain current registration in compliance with Chapter 18, section 18.15. All *Farm Animals Sites* must maintain registration at a minimum on a yearly basis. Any *Farm Animals Sites* not registered for five (5) consecutive years will be deactivated by the County. Following deactivation, these sites shall be considered new *Farm Animals Sites* if said animals were to return and must comply with all Performance Standards and uses permitted in their specific zoning districts at the time of registration in compliance with Dodge County Zoning Ordinance, as amended.

16.24.2 STANDARDS FOR CONDITIONAL USE PERMITS

The County may impose, in addition to the standards and requirements set forth in this Ordinance, additional conditions which the Planning Commission or County Board considers necessary to protect the public health, safety, and welfare. This may include, but is not limited to, any of the following:

- A. Conditional use permits shall be in effect only as long as sufficient land specified for spreading manure is available and is being used for such purposes as regulated otherwise by this Ordinance;
- B. All feedlots shall be operated in a manner consistent with the MPCA permits, Minnesota Rules Chapter 7020 and this Ordinance. Agricultural odors are not air pollution (Minnesota Rules, Chapter 7005.0950);
- C. All manure storage lagoons and earthen storage basins shall conform with MPCA design standards. All plans for manure storage lagoons and earthen manure storage basins shall be designed, and

the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Natural Resources Conservation Service (NRCS);

- D. An agricultural or civil engineer registered in the State of Minnesota or the United States Department of Agriculture NRCS shall provide the County with a signed construction report and certification that the manure storage lagoon, or earthen manure storage basin was constructed to the standards of the approved plans.

16.24.3 APPLICATION

- A. An application for a CUP shall be submitted on forms provided by the County.

16.24.4 SETBACKS FOR FEEDLOTS

- A. New feedlots are prohibited from locating in the 100-year floodplain;
- B. New feedlots shall not be located closer than 100 feet from any public or private well, including wells that have not been sealed in accordance with Minnesota Department of Health regulations;
- C. New feedlots shall be setback a minimum of 30 feet from the top of a steep slope or as determined by the Zoning Administrator. The expansion of an existing feedlot that is already located at less than 30 feet from a steep slope may occur, but the addition will be encouraged to not further encroach upon the slope setback;
- D. New feedlots shall be setback a minimum of 300 feet from the normal high-water mark of a stream, river, or lake. The expansion of an existing feedlot that is already located at less than the 300 feet may expand, but the addition shall not further encroach upon the shoreline setback;
- E. New feedlots must be setback at least 100 feet from a public or private drainage ditch. The expansion of existing feedlots located less than 100 feet from a drainage ditch are encouraged to locate away from the drainage ditch;
- F. New animal feedlots of thirty (30) animal units or more shall be setback one thousand feet (1000') from:
 - I. Residential Dwellings (except the feedlot owner's or operator's dwelling).
 - II. The boundary of any subdivision within the Urban Expansion

Residential District and Rural Residential District.

- III. Golf courses, churches, cemeteries, camp grounds, public buildings, public, assembly areas, and
 - IV. Licensed daycare facility and any facility with a public water supply well.
- G. The Feedlot Advisory Board (FAB) will conduct a site review of:
- I. Any proposed new feedlot that will contain 500 animal units or more, or
 - II. An existing feedlot on which an expansion will occur and the number of animal units will exceed 500, or
 - III. An existing animal feedlot that is proposing an expansion when the feedlot does not meet the setback standards defined in Section 16.24.4.F.

The FAB will provide to the Planning Commission findings of fact and may make recommendations regarding setbacks, locational concerns, the need for vegetative screening, or any other technical information deemed necessary.

- H. Should an expansion be proposed to an existing feedlot that does not meet the setback standards defined in this Section (Section 16.24.4.F), the FAB shall review and recommend an odor reduction plan that meets an odor annoyance free number of 91% based on OFFSET. The OFFSET calculation shall be used to predict the odor expected from new buildings and manure storage areas that are included in the proposed expansion. With consideration given to terrain, vegetation barriers and history of complaints, OFFSET calculations may include existing feedlot buildings and manure storage. If the odor reduction plan does not meet the odor annoyance free number then the feedlot expansion proposal may not be permitted. The county may grant a variance from this requirement under the process defined in Chapter 18.
- I. A single feedlot site containing more than 3,000 animal units are prohibited.

16.24.5 Manure application will comply with MPCA Rule 7020.2225 or successor rules: See Exhibit I for setbacks or refer to the MPCA 7020 Rules.

16.24.6 General standards:

- A. This Section incorporates by reference all definitions in MN Rules 7020.0300 and successor rules. As found in Exhibit K.
- B. New animal feedlots less than 30 animal units, including buildings and open lots, shall meet all yard setback standards for single family principal dwellings
- C. New concrete manure storage pits shall provide a six (6) month storage capacity. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one (1) year;
- D. Manure application rates shall comply with Minnesota Rules, Chapter 7020
- E. Standards for the transportation of manure:
 - I. All vehicles used to transport animal manure on township, county, state highways, or through municipalities shall be leak proof
 - II. 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
 - III. This section shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

SECTION 16.25 FOOD AND BEVERAGE SERVICE ESTABLISHMENTS

All Food and Beverage Service Establishments shall comply with Minnesota Statutes Chapter 157 and 4626, or successor, and the applicable administrative rules.

16.25.1 PERFORMANCE STANDARDS

- A. The parcel shall have a lot area no less than four times the area of the building footprint.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. Parking shall meet the general development standards for Parking of Chapter 17.

- D. All parking areas and access drives to the parking areas shall be hard surfaced or be constructed of "permeable pavement"
- E. Stormwater from impervious surfaces should be adequately treated, contained and infiltrated on site when feasible. A stormwater management plan shall be developed in accordance with the requirements of Chapter 17 of this Ordinance
- F. The building and parking area shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods in accordance with the general development standards for Screening of Chapter 17.
- G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- H. Signs shall meet the general development standards for Signs of Chapter 17.

SECTION 16.26 GOLF COURSES

16.26.1 PERFORMANCE STANDARDS

- A. Storage of pesticides and fertilizers shall follow the standards of the Minnesota Department of Agriculture. A plan shall be submitted as part of the CUP application for storage and use of pesticides and fertilizers at the facility and shall be included as part of the CUP.
- B. Accessory uses shall be limited to a driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities.
- C. Golf courses shall be designed and operated with environmental resources in mind. Performance standards to this effect include:
 - I. Water recycling and conservation through on-site storage and use facilities;
 - II. Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies;

- III. 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 the creation of new habitat opportunities.
- D. Golf courses located within the Shoreland District of any Public Waters shall comply with the standards of Chapter 14 and Minnesota Rules Chapter 6120, as amended.
- E. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities in accordance with the general development standards for Screening of Chapter 17 of this Ordinance.
- F. A transportation management plan shall be submitted with the CUP application to address off-street parking, traffic circulation and the impact of the facility surrounding roadways.
- G. Club houses that serve food and beverages shall be licensed by the appropriate state agencies and shall meet the performance standards for Food and Beverage Service Establishments of Section 16.25 of this Chapter.
- H. A copy of the golf courses water appropriation permit shall be provided to the Environmental Services Department to include with the CUP.

SECTION 16.27 GOVERNMENT ADMINISTRATION AND SERVICE BUILDINGS

16.27.1 PERFORMANCE STANDARDS

- A. The parcel shall have a lot area no less than four times the area of the building footprint, but not less than the minimum lot size for the Primary or Overlay District in which it is located.
- B. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.
- C. A transportation management plan shall be submitted to the Highway Engineer prior to issuance of any zoning permit to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

- D. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and the exterior materials shall be compatible with those used in the immediate neighborhood.

SECTION 16.28 GREENHOUSES, HORTICULTURE AND NURSERIES

16.28.1 PERFORMANCE STANDARDS

- A. The retail sale of products or materials shall be accessory to the principal greenhouse, horticultural or nursery use.
- B. Where seasonal produce/harvest/stock sales stands are an accessory use to a greenhouse, horticulture or nursery, the following shall apply:
 - I. No sales shall take place in the public right-of-way of any Federal, State, County or Township roadway.
 - II. Any temporary structure placed on the property for seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed one hundred twenty (120) square feet. Temporary structures shall be located no closer than twenty-five (25) feet from any Road Right of Way.
 - III. All permanent structures shall meet the minimum setback requirements for accessory structures.
 - IV. Parking shall be prohibited on any public road. There shall be adequate area available for parking located on site to accommodate expected traffic.
- C. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses in accordance with Chapter 17 of this Ordinance. When fencing is required, screening shall be a least six feet (6') in height, eighty percent (80%) opaque year around and of neutral colored material.
- D. Signs shall comply with the general development standards for Signs of Chapter 17.

SECTION 16.29 GUN CLUBS AND SHOOTING RANGES

16.29.1 PERFORMANCE STANDARDS

- A. The minimum size lot for each type of shooting range is listed below, including direct fire zone and/or shotfall zone, safety zone and ricochet zone, subject to the installation of additional baffles.
 - I. High power Rifle.
 - 1. Minimum range length: 5,500 yards
 - 2. Minimum range width: 3,500 yards
 - 3. Minimum acreage: 40 acres
 - II. Shotgun
 - 1. Minimum range length: 300 yards
 - 2. Minimum range width: 400 yards
 - 3. Minimum acreage: 20 acres
 - III. Other range types are subject to the National Rifle Association Range Sourcebook, 1999; or successor sourcebook.
- B. The range sizes listed in 16.29.1.A of this section may be lessened through the use of baffles and berms along the sides, the end and throughout the firing range and/or shot fall zone. Baffles and berms shall meet or exceed the standards listed in the National Rifle Association Range Sourcebook 1999; or successor sourcebook, to qualify for a reduction in range size.
- C. No part of any shooting range may be located within five hundred feet (500') of any residential dwelling, commercial or industrial building or other structure used for human occupancy.
- D. Signage shall meet the general development standards of Chapter 17.
- E. Parking shall meet the general development standards of Chapter 17.
- F. All shooting ranges shall comply with the minimum standards for range design, location, management, operation, noise abatement and safety listed in Minnesota Statutes Chapter 87A and/or the revised National Rifle Association Range Sourcebook, 1999; or successor standard.

SECTION 16.30 HOME OCCUPATIONS

16.30.1 PERFORMANCE STANDARDS

- A. The Home Occupation shall be clearly incidental and subordinate to the residential use of the property.

- B. There shall be no exterior evidence that a building is being used for any purpose other than a dwelling.
- C. The Home Occupation shall be conducted only by persons residing full-time on the premises. No person other than the full-time residents of the premises shall be employed or engaged in such Home Occupation.
- D. Operation of the Home Occupation shall be limited to the residential dwelling and any attached garage.
- E. The use of any accessory or agricultural buildings for storage or business activity is prohibited.
- F. The outdoor display or storage of goods, equipment or other materials used for the Home Occupation is prohibited.
- G. There will be no storage on the premises of explosives or highly flammable or hazardous materials as defined by the U.S. Environmental Protection Agency.
- H. The Home Occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- I. The Home Occupation shall not be of the nature to generate customers or client traffic that would require additional on-site parking requirements other than that which would serve the residential dwelling.
- J. There shall be no indication of noise, vibration, smoke, dust, odors, heat or glare or electromagnetic interference at or beyond the property line.
- K. The Home Occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- L. All sewage treatment systems located on site shall have a Certificate of Compliance. The Home Occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household sewage unless a plan for off-site disposal of the waste is approved.
- M. Signs permitted with Home Occupations shall not exceed nine (9) square feet and shall be mounted on the residential structure in which the occupation is taking place.

- N. More than one Home Occupation may be conducted on the premises; provided the combined business-related activities remain incidental and subordinate to the residential use of the property. No more than twenty-five percent (25%) of the gross floor space can be devoted to Home Occupations.
- O. The Home Occupation shall register with the Environmental Services Department. A Business Application/Plan Template shall be required to be submitted to and approved by the Environmental Services Department for any Home Occupation. The Business Application/Plan Template is an enforceable document that will be recorded on the property in the Dodge County Recorder's Office.
- P. Any well upon the site that provides drinking water to employees, clients or the public shall meet all drinking water standards or the business/activity shall provide alternative drinking water sources. The well shall meet all Minnesota Department of Health standards for non-transient public water supplies, when applicable.

SECTION 16.31 JUNK AND SALVAGE OPERATIONS

Junk and/or salvage operations are allowed in the Industrial District with issuance of an Interim Use Permit. Junk and/or salvage operations shall not be allowed and/or permitted as a Home Occupation or Limited Rural Business.

Under the Dodge County Zoning Ordinance, pre-existing junk yards were required to obtain a Conditional Use Permit (CUP) by May 16th, 1997 to continue to operate legally. Junk and/or salvage operations that did not obtain the permit or are otherwise operating in violation of the Dodge County Zoning Ordinance are subject to the enforcement actions of Chapter 19, and/or other applicable ordinances or regulations that may govern the violation.

16.31.1 APPLICATION

An application for a junk and/or salvage operation shall be submitted on forms provided by the Environmental Services Department.

16.31.2 PERFORMANCE STANDARDS

The *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, or successor*, is hereby adopted by reference.

Junk and/or salvage operations shall be subject to the following performance standards:

- A. All junk and salvage operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998*; or successor manual.
- B. Junk and salvage operations are not permitted in areas identified as wetland, hydric soils or in any area where soil borings indicate the seasonal high-water table is less than three (3) feet below the natural surface of the ground.
- C. Junk and/or salvage operations shall be setback a minimum of five hundred feet (500') from a residential district, any lake, stream, creek, public or private ditch.
- D. The facility shall be served by a minor collector or higher functional classification of roadway.
- E. The use shall comply with all applicable Federal, State and County rules and regulations.
- F. Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.
- G. Parking shall meet the general development standards for Parking of Chapter 17.
- H. A transportation management plan shall be submitted with the CUP application to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- I. No vehicles or vehicle parts may be placed within the public right-of-way or on public property. The storage of autos is not permitted in the front yard.
- J. Fences are not permitted in the front yard.
- K. All autos and/or salvaged materials, including piles, must be setback at least ten (10) feet from the rear and side property lines.

The storage of autos and/or salvaged materials in the front yard is prohibited.

- L. The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with the general development standards for Screening of Chapter 17. Screening shall be at least eight feet (8') in height and eighty percent (80%) opaque year around.
- M. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of twelve feet (12') above grade provided that screening in accordance with Chapter 17 is also provided to a height of twelve feet (12').
- N. The County Environmental Services Department and Emergency Management Director shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.
- O. An environmental management plan, including a stormwater and drainage plan shall be submitted with the CUP application to address the impact of the facility on the environment.
- P. Any outdoor lighting system shall comply with the requirements of Chapter 17 of this Ordinance.
- Q. The grounds and all structures shall be maintained in a clean and safe manner.
- R. The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- S. All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- T. All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.

- U. The sale of junk/salvage vehicles on-site is not allowed unless specifically permitted under the Interim Use Permit.
- V. Onsite disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by, fire, burning, explosives or chemical decomposition is prohibited.
- W. Signs shall meet the requirements for Signs of Chapter 17 of this Ordinance.
- X. A holding or staging area shall be designated to temporarily store vehicles before processing. The maximum number of vehicles held in the holding or staging area at one time shall not exceed five (5) vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight (8) inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six (6) inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight (8) inches lower in elevation than the lowest edge of the holding or staging area.

SECTION 16.32 KENNELS

16.32.1 COMMERCIAL KENNELS

A Conditional Use Permit is required for any structure or premises meeting the definition of a Kennel that breeds, sells, boards, trains or provides other similar services for domestic animals for a profit. Commercial kennels would also include non-profit organization kennels, including, but not limited to humane societies and breed rescue centers/operations.

- A. The use shall comply with all applicable Federal, State and County rules and regulations;
- B. Kennels for dogs, cats and other small mammals shall comply with the Minnesota Department of Agriculture's "Best Management Standards for Care of Dogs and Cats by Dealers, Commercial Breeders and Brokers" and Minnesota Statutes 346.39, or successor;
- C. Kennels, including outdoor exercise areas shall be setback five hundred feet (500') from any residential dwelling, other than the applicants.
- D. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup. All pet

waste, wash water, and other contaminated fluids shall be properly contained and collected in an on-site holding tank.

- E. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.
- F. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.
- G. All commercial kennel facilities shall provide an outdoor exercise yard.
- H. Kennel facilities shall be adequately drained and maintained in a healthful manner.
- I. One on-premise sign is permitted and shall not exceed a total of nine square feet (9 s.f.) and must meet applicable setbacks.
- J. Every animal located on site shall be current on all vaccinations.
- K. Commercial kennels exceeding twenty (20) animals over three (3) months of age are prohibited. No kennel shall exceed thirty (30) total animals of any age.
- L. Where conditions cannot adequately address the expected impacts from the proposed kennel on other surrounding land uses allowed within the zoning district, the request shall be denied by the County Board.
- M. Nuisance complaints shall result in review of the permit by the Planning Commission and County Board. In instances where the commercial kennel is determined to be a "public nuisance" by the County Board, the Interim Use Permit may be terminated.

16.32.2 PRIVATE KENNELS

An Interim Use Permit is required for private (or non-commercial) purposes, including but not limited to, animals kept for sporting, companionship, or similar non-profit, personal uses. Private kennels must be listed as an Interim Use in the zoning district in which it is located, or the use is prohibited.

- A. Structures used for animal confinement shall meet the setback requirements of the applicable zoning district.
- B. Kennels, including outdoor exercise areas shall be setback five hundred feet (500') from any residential dwelling, other than the applicants.
- C. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting and best management practices for the breed, where applicable.

- D. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.
- E. Kennel facilities shall be adequately drained and maintained in a healthful manner.
- F. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup, if applicable.
- G. Every animal on site shall be current on all vaccinations.
- H. Animals determined to be dangerous or a threat to the general health, safety and welfare of the citizens of Dodge County shall be prohibited.
- I. Nuisance complaints shall result in review of the permit by the Planning Commission and County Board. In instances where the private kennel is determined to be a "public nuisance" by the County Board, the Interim Use Permit may be terminated.
- J. Private kennels exceeding ten (10) animal over three (3) months of age are prohibited. No private kennel shall exceed twenty (20) total animals of any age.
- K. Where conditions cannot adequately address the expected impacts from the proposed kennel on other surrounding land uses allowed within the zoning district, the request shall be denied by the County Board.

SECTION 16.33 LAND TREATMENT SITES

16.33.1 PERFORMANCE STANDARDS

- A. Any land spreading treatment site must be permitted and operated according to applicable municipal, state, and federal regulations.
- B. Land spreading sites are prohibited within:
 - I. The Floodplain Overlay District (100-yr or 1% chance floodplain) as identified in Chapter 5 of this Ordinance;
 - II. The Shoreland Overlay District as identified in Chapter 5 of this Ordinance;
 - III. Three hundred feet (300') of an intermittent stream, drainage ditch, tile drain inlet, and the ordinary high-water level of a stream, river, lake, pond, wetland, or flowage;
 - IV. Three hundred feet (300') of a sinkhole, exposed bedrock, and any known underground cave;

- V. Three hundred feet (300') of any private water supply well and within one thousand feet (1,000') of any public water supply well;
 - VI. Five hundred feet (500') of a residential dwelling, unless written permission to spread soil closer is obtained from the owner of the residence, or within one thousand feet (1,000') of a residential district or recreational area, as defined by Minnesota Rules, Chapter 7037, or successor;
 - VII. Lands identified by Dodge County as being very high or highly sensitive to ground water contamination. Land Treatment Sites are prohibited in the mapped Enhanced Groundwater Sensitivity Area.
- F. Copies of all notifications, monitoring results and reports required by Minnesota Rules Chapter 7037 shall be sent to the Dodge County Environmental Services Department, upon request.

SECTION 16.34 LIMITED RURAL BUSINESS

A Limited Rural Business is a Home Occupation operated out of an on-site accessory structure, rather than the principal dwelling. Limited Rural Businesses require an Interim Use Permit in all zones in which they are allowed.

16.34.1 PERFORMANCE STANDARDS

- A. The Limited Rural Business (LRB) shall be clearly incidental and subordinate to the residential use of the property. No more than ten (10) percent of the property can be devoted to the LRB.
- B. There shall be no exterior evidence that the accessory building is being used for any purpose other than storage.
- C. The LRB shall be operated by a person or persons residing full-time upon the premises. The number of employees including the operator, whether full-time, part-time, temporary or seasonal shall be limited to four (4). For purposes of this provision, this includes employees, business partners, independent contractors or other persons affiliated with the limited rural business working at the site as part of the LRB.
- D. Operation of the LRB shall be limited to the accessory buildings located upon the same parcel and within the same building site as the residential dwelling.

- E. When authorized under the Interim Use Permit, areas used for the outdoor storage of goods, equipment, vehicles, or other materials used for the LRB shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.
- F. The LRB shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- G. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- H. The LRB shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- I. There will be no storage on the premises of explosives or highly flammable or hazardous materials as defined by the U.S. Environmental Protection Agency.
- J. The LRB on a site with an on-site sewage treatment system shall only generate normal domestic household waste. All other wastes shall be subject to local, state and federal laws, rules, regulations and ordinances. All sewage treatment systems located on the property shall have a Certificate of Compliance.
- K. Off-street parking shall be provided for any non-resident employees in a manner that does not significantly change the agricultural or residential character of the property.
- L. Signs permitted with a limited rural business shall not exceed nine (9) square feet.
- M. Junk and Salvage yards, auto sales yards and other similar commercial or industrial uses are not allowed as a LRB.
- N. A Business Application/Plan Template shall be required to be submitted to and approved by the Environmental Services Department for any Limited Rural Business. The Business Application/Plan Template is an enforceable document that will be recorded with the IUP for the property in the Dodge County Recorder's Office.

SECTION 16.35 LODGING ESTABLISHMENTS

Lodging establishments shall meet the requirements of Minnesota Statutes Chapter 157, Minnesota Statutes Chapter 327 and Minnesota Rules Chapter 4625, as amended.

Where swimming pools are present, the facility shall also meet the requirements of Minnesota Rules 4717, or successor.

16.35.1 PERFORMANCE STANDARDS- BED AND BREAKFAST INNS
AND OTHER RURAL LODGING ESTABLISHMENTS

Where permitted, Bed and Breakfast Inns, and other Rural Lodging, including Vacation Rental by Owner (VRBO) or Airbnb establishments shall require a Conditional Use Permit and comply with the following standards:

- A. The facility shall be part of an owner-occupied single-family residential structure.
- B. The facility shall be allowed only in existing single-family residential structures. Construction of new structures for this Use is prohibited.
- C. The facility shall employ no more than two (2) employees in addition to the owner or operator of the occupied residential structure unless specifically allowed by condition of the CUP.
- D. The exterior appearance of the structure shall not be altered from its single-family character.
- E. All onsite sewage treatment system shall have a valid Certificate of Compliance which shall be on file with the Environmental Services Department. With adequate accommodations and facilities, a maximum occupancy of twelve (12) guests may be allowed. However, the maximum occupancy shall not exceed the capacity of the on-site sewage treatment system. Special accommodations shall be required for single daily events but maximum permitted occupancy shall not be exceeded for overnight stays.
- F. The total number of guestrooms shall be limited to five (5).
- G. The entrance to all guestrooms shall be from within the dwelling.
- H. A guest register shall be maintained and available for County inspection.
- I. Guests are limited to a length of stay defined by the type of establishment and conditions of the Conditional Use Permit.
- J. No food preparation or cooking shall be conducted within any of the guestrooms.
- K. Food service supplied by the owner/operator shall be limited to breakfast. If food service is offered, the facility is required to be licensed as a restaurant and must follow applicable State rules. Dining facilities shall not be open to the public but limited to residents, employees and registered guests.

- L. No alcohol shall be sold or served on site as part of the business operation.
- M. No other commercial use shall occur on the property. Special day time activities including, but not limited to, luncheons, banquets, parties, weddings, meetings, fund raising events and other gatherings for direct or indirect compensation may be permitted if:
 - I. The activity was specifically authorized by the Conditional Use Permit (CUP), and
 - II. Any process of approval described by the CUP is followed, and
 - III. All provisions for safety and sanitation are met.
 - IV. Parking and safety issues are adequately addressed.
- N. One nameplate sign, not exceeding nine square feet (9 s.f.) shall be mounted on the exterior of the dwelling. Lighted signs shall not be permitted.
- O. The business shall meet all applicable local, state and federal codes or licensing requirements.
- P. Any well upon the site that provides drinking water to employees or the public shall meet all drinking water standards or the business/activity shall provide alternative drinking water sources. The well shall meet all Minnesota Department of Health standards for non-transient public water supplies, when applicable.

SECTION 16.36 MANUFACTURING, FABRICATION AND OTHER INDUSTRIAL

16.36.1 PERFORMANCE STANDARDS

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

- D. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- E. Storage, handling and disposal of hazardous waste shall comply with all applicable local, state and federal laws and regulations.
- F. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from all public roadways and adjacent residential uses in accordance with Chapter 17 of this Ordinance.
- G. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- H. Parking shall meet the requirements for Parking of Chapter 17 of this Ordinance.
- I. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a stormwater and drainage plan shall be submitted with the permit application to address the impact of the facility on the environment.
- J. The hours of operation shall not have an adverse impact on adjacent property owners. When located adjacent to a residentially zoned district, the hours of operation shall be no earlier than 7:00 a.m., nor later than 5:00 p.m., for any activities that produce noise which may be detectable at the property line.
- K. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least eight feet (8') in height, eighty percent (80%) opaque year around, and be of neutral colored material and/or vegetation.
- L. Signs shall meet the requirements of Chapter 17 of this Ordinance.
- M. Any well upon the site that provides drinking water to employees or the public shall meet all drinking water standards or the business/activity shall provide alternative drinking water sources. The well shall meet all Minnesota Department of Health standards for non-transient public water supplies, when applicable

- N. All sewage treatment systems located on site shall have a valid Certificate of Compliance.
- O. All structures and grounds utilized by employees or the public shall meet Minnesota State Building Code, Accessibility Code (ADA), and Fire Code. All existing and new buildings, as well as any grounds used for the business, shall be inspected by licensed Building, ADA, and Fire code officials and proof of compliance with all applicable codes shall be submitted to the Environmental Services Department prior to utilization of the site or commencement of any business-related activities.

SECTION 16.37 MIGRANT AND/OR SEASONAL WORKER CAMPS

Migrant worker camps are required to meet the United States Department of Labor's OSHA standards for Temporary Labor Camps in 29 CFR 1910.142, or successor.

16.37.1 PERFORMANCE STANDARDS FOR MIGRANT WORKER CAMPS

- A. All migrant camps shall conform to all applicable State and Federal regulations;
- B. The maximum occupancy of a migrant camp shall not exceed that approved as part of the CUP. The occupancy per unit is limited to standards established by the State of Minnesota and the local Fire Department official.
- C. All camps shall be protected in such a manner as to prevent vandalism or other trespass while buildings are not in use.
- D. Parking shall be provided on site. The parking of vehicles on any public road is prohibited. Parking shall meet the requirements of Chapter 17.
- E. A play/recreation area shall be provided on site.
- F. The CUP and any conditions required may be reviewed periodically.
- G. Migrant camps shall not be located in the Floodplain or Shoreland Overlay Districts.
- H. Migrant camps shall be located upon the property that employs the migrant and/or seasonal worker.
- I. The occupancy is limited to seven (7) months of the year.

- J. All dwelling units meet all requirements of this ordinance and applicable State of MN housing codes, and applicable local building codes in affect at the time construction.
- K. All building used for migrant and/or seasonal temporary dwelling units shall have permanent, continuous perimeter foundation.
- L. Sewage treatment facilities shall be subject to review by the Department and shall comply with all local, state and federal laws, rules, regulations and ordinances.
- M. Any well(s) shall meet the requirements of the Minnesota Department of Health. Onsite wells shall meet all drinking water standards.
- N. Adequate severe weather shelters shall be provided.
- O. Migrant/seasonal worker camps shall not be considered in the calculation of any residential density performance standard as set forth in this Ordinance.

16.37.2 PERFORMANCE STANDARDS FOR CONSTRUCTION SEASONAL WORKER CAMPS (PROJECT BASED)

- A. All Construction Seasonal Worker Camps shall require to register with the county and the affected township thirty days prior to the annual construction season with a registration form provided by the county. The registration shall include the project associated with the Construction Seasonal Worker Camp.
- B. The maximum occupancy of a Construction Seasonal Worker Camp shall not exceed the number of workers that are registered.
- C. All camps shall provide an adequate number of centralized portable restrooms. Discharge of *sewage*, as defined in Chapter 4 of this ordinance, onto the ground is prohibited.
- D. Parking shall be provided on site. The parking of vehicles on any public road is prohibited.
- E. Construction Seasonal Worker Camps shall not be located in the Floodplain or Shoreland Overlay Districts.
- F. Construction Seasonal Worker Camps Migrant camps shall be located upon property adjacent to the job site or within a sand and gravel pit when authorized under the sand pit's IUP.

- G. The occupancy is limited to the construction season.
- H. A centralized location for waste collection shall be provided by the landowner. All waste shall be disposed of in a proper manner. The burning of waste materials is prohibited.
- I. A plan for severe weather response shall be provided.

SECTION 16.38 MINING- NONMETALLIC

16.38.1 OPERATIONS REGULATED

Operations regulated by this Section shall be the mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals, and the removal thereof from the site. Unless exempt under 16.38.2, an IUP shall be required for mining operations.

16.38.2 EXCAVATION EXEMPTIONS

Operations not regulated by this Section shall include the following:

- A. The removal of materials associated with the construction of a structure or on-site sewage treatment system permitted by the Department;
- B. The removal of materials in accordance with the development of approved plats, and the site preparation for utilities or highway construction;
- C. The construction, modification or expansion of Animal Feedlots and Manure Storage Areas, Structures or Facilities authorized by the Minnesota Pollution Control Agency or the Department;
- D. Sod harvesting or removal
- E. Wildlife ponds constructed in accordance with *Minnesota Rules, chapter 8420; or successor rules.*
- F. Excavations for agricultural purposes with prior notification of Department
- G. Excavations for the installation of public utilities regulated under the processes defined for Essential Services

- H. Excavations which do not exceed five hundred (500) square feet of surface area or two (2) feet in depth and/or are less than a total of fifty (50) cubic yards

16.38.3 MINING OPERATION

A. INTERIM PERMIT REQUIRED

An Interim Use Permit (IUP) shall be required for all mining operations not exempt under the provisions of Section 16.38.2.

The applicant will also be required to obtain coverage under MPCA's Nonmetallic Mining and Associated Activities general permit or Industrial Stormwater Permit, when applicable. Temporary asphalt, concrete, pug mills, or other similar portable plants erected for public road projects in the area are considered accessory uses of the existing permitted mine when in place for less than one year.

An application to establish or amend a mining operation shall be submitted on forms provided by the Environmental Services Department.

B. PERFORMANCE STANDARDS

The following performance standards shall apply to all new Mining operations:

I. EQUIPMENT

All equipment used for Mining operations shall be constructed, maintained and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.

II. WATER RESOURCES

The Mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the Mining Operation.

Water appropriation for washing and/or dewatering activities shall obtain appropriate federal, state and local permits and/or approvals.

The appropriate stormwater permit must be issued by the Minnesota Pollution Control Agency (MPCA) if applicable. Copy of permit coverage shall be on file in the Environmental Services

Department.

If the parcel is located within the Floodplain, proof that all work within the flood fringe does not cause an increase in flood damages, as well as, any increase in flood elevations as certified by a registered professional engineer with a HEC-RAS model and verified by Minnesota Department of Natural Resources Floodplain Hydrologist/Engineer.

III. SAFETY FENCING

Safety fencing with a gated entry may be required around all or portions of the Mining operation at the discretion of the Planning Commission. Any Mining operation(s) adjacent to a residential zone, or within three hundred (300) feet of four (4) or more residential structures, shall be barred by a fence or similarly effective barrier of at least six (6) feet in height.

IV. ROADS & ACCESS

- a. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the County Highway Engineer.
- b. Access roads connecting to public roads shall be sufficiently wide to accommodate two-way hauling traffic. A truck staging area shall be provided on the applicant's property.
- c. All access roads from Mining Operations to public highways, roads or streets or to adjoining property shall be paved or otherwise maintained to control dust. Ingress and egress access points from or onto any road or highway shall be clearly signed and those signed access points shall be utilized. Precautions must be taken to minimize the deposit of materials from trucks onto public road.
- d. Trucks shall not queue on public roads while waiting to load or unload.
- e. Ingress and egress points from or onto any public road or highway shall be clearly signed "TRUCKS

HAULING" advising traffic in both directions of this activity.

- f. Intersections of public roads with access roads shall be maintained by the mine operator, and shall be kept clean and free from excessive mud, debris or asphalt tracked out from the mining site. Intersections of public roads with access roads shall be repaired by the mine operator if the public road surfaces or shoulders in the mining area have broken down due to repeated traffic by mining trucks or equipment.
- g. Turn lanes shall be constructed on public roads at the entrance to the mining site if determined necessary by the appropriate road authority. The need for road improvements, maintenance or repair will be determined by the Minnesota Department of Transportation in the case of state highways; by the Dodge County Highway Engineer in the case of County roads; and by the appropriate Township Board of Supervisors in the case of Township roads. If the haul road is deemed too narrow for two-way hauling then the hauling plan will need to be adjusted to accommodate one-way hauling.
- h. The permittee shall provide an escrow or bond for anticipated maintenance and repair of township or county haul roads in an amount determined by the road authority.

V. SCREENING BARRIER

To minimize problems of dust and noise and to shield Mining operations from public view, a screening barrier may be required between the mining site and adjacent properties or public roads. If a screening barrier is required by the Planning Commission, the barrier shall be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a type of fast-growing trees agreed upon between the applicant and the Department. In all cases, existing trees and ground cover along a public road and property line shall be preserved and maintained for the depth of the setback, except where traffic safety requires cutting and trimming or except where alteration or destruction of the trees and/or ground cover is necessary for an approved reclamation plan.

VI. SETBACKS

The following setback requirements shall apply to Mining Operations:

- a. The processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.
- b. Unless approved in writing between the affected property owner and the mining operator, mining of any materials shall not be conducted closer than five hundred (500) feet of any residential dwelling unit.
- c. Mining of materials shall not be conducted any closer to the property line than is necessary to implement the approved reclamation plan.
- d. Unless approved in writing by the applicable road authority, mining of any materials shall not be conducted closer than thirty (30) feet to any public road right of way, provided the approved reclamation plan is able to be implemented.
- e. Mining operations shall not be conducted closer than two hundred (200) feet from the ordinary high-water level of any public water as classified in Chapter 7 of this Ordinance, or any wetland regulated by Minnesota Rules Chapter 8420, as amended.

VII. HOURS OF OPERATION

All hours of operation shall be set in the Interim Use Permit as approved by the Planning Commission.

VIII. VERTICAL FACES

Vertical faces shall be kept to a minimum except during actual mining.

IX. WEED CONTROL

Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

X. COMPLAINTS

Complaints regarding Mining operations shall be forwarded to the Environmental Services Department for processing. The Department shall make timely investigation of complaints and shall endeavor to resolve complaints utilizing such dispute resolution process as may be developed by the County.

XI. SIGNS

An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Signs required by this Section shall be clearly visible from the public road and shall conform with the general development standards for Signs in Chapter 17 of this Ordinance.

16.38.4 LAND RECLAMATION

All mining sites shall be reclaimed immediately after Mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

- A. Within a period of three (3) months after final termination of a Mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an Interim Use Permit for a Mining operation, all buildings, materials, waste, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.
- B. The peaks and depressions of the mined area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent grade.
- C. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded or planted.
- D. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan shall restore the mining site to a condition whereby it can be utilized

for the type of land use proposed to occupy the site after Mining operations cease and will be consistent with the site specific reclamation plan submitted as part of the Interim Use Permit process.

- E. A performance surety, payable to the County of Dodge, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor and/or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or Ordinance. This option may be executed one hundred eighty (180) days after written notice of noncompliance to the applicant.

16.38.5 EXISTING MINING OPERATIONS

Existing Mining operations are those Mining operations that are both currently and legally being used or those that have records showing continuous use within the past five (5) years on a Lot of Record. Continuous use shall be defined as the removal of at least fifty (50) cubic yards of material every year.

- A. Owners of Existing Mining operations shall register with the Department within two (2) years of adoption of this Section on forms provided by the Department. The registration shall be accompanied by:
 - I. A reclamation plan completed in accordance with Section 16.38.4 of this Chapter shall be submitted with the registration.
 - II. Proof of coverage under MPCA's Nonmetallic Mining and Associated Activities general permit (or successor), when applicable.
 - III. Proof of coverage under MPCA Industrial Stormwater Permit, when applicable

Operators of existing Mining Operations may continue operation during the registration and review process. The registration shall remain in effect and allow the operation to continue as long as the operation remains in compliance with the minimum standards of this Ordinance. Owners of existing pre-ordinance Mining Operations who do not register with the Department within two (2) years shall be required to apply for an Interim Use Permit.

- B. If it is determined by the Department that an Existing Mining operation

poses a potential or real environmental hazard or otherwise has a potential or real negative impact on the health, safety or welfare of the residents of the County, the Mining Operation shall immediately be subject to the administrative provisions of Chapter 18 of this Ordinance and the owner shall apply for an IUP.

SECTION 16.39 MOTOR VEHICLE REPAIR/SERVICE

16.39.1 PERFORMANCE STANDARDS

- A. Buildings and vehicle storage areas shall meet the setback requirements of this ordinance
- B. There shall be no hazardous waste runoff. Storage and disposal of hazardous waste shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- C. The outdoor storage of hazardous materials is prohibited.
- D. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site.
- E. The storage of salvage and/or junk vehicles is prohibited.
- F. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least six (6) feet in height, 80% opaque year-round, and of neutral colored material and/or vegetation.
- G. Any outdoor lighting system shall comply with the requirements of Chapter 17.
- H. The business shall be required to register with Emergency Management Director.
- I. An environmental management plan, including a water and waste management plan to address the use of water and treatment of waste onsite. Motor vehicle repair businesses are prohibited in the mapped Enhanced Groundwater Sensitivity Area.
- J. Stormwater management and drainage plan shall be submitted to address the impact of the facility on the environment. Stormwater management shall meet the general development standards of Chapter 17, when applicable.
- K. The owner or operator may be required to submit a financial guarantee to the county to ensure compliance with the conditional

use permit and closure requirements.

- L. The outdoor storage of motor vehicle parts or junk/salvaged vehicles is prohibited.

SECTION 16.40 OUTDOOR SALES AND DISPLAY – (CONSIGNMENT LOTS)

16.40.1 PERFORMANCE STANDARDS

An outdoor sales and display use shall comply with the following standards:

- A. The outdoor sales and display shall be accessory to a legally permitted commercial use and located within a Commercial Zoning District.
- B. Outdoor sales and display areas shall meet all setback requirements of this Ordinance.
- C. All goods or materials shall be displayed in a designated area.
- D. The grounds and any structures shall be maintained in a clean, orderly and safe manner.
- E. The outdoor sales and display area shall not reduce the amount of parking provided on site below the level required for the principal use.
- F. Hazardous materials cannot be stored in an outdoor sales and display area.

SECTION 16.41 RESERVED FOR FUTURE USE

SECTION 16.42 PUBLIC RECREATIONAL LANDS AND TRAILS

16.42.1 PERFORMANCE STANDARDS

The following shall apply to public trails and lands:

- A. **DISORDERLY CONDUCT** - Disorderly Conduct as defined in Minnesota Statutes 609.72, or successor, is prohibited.
- B. **VANDALISM** - The destruction, alteration, injury or removal of any real or personal property, vegetation or geological formation or molestation of wildlife is prohibited.

- C. SANITATION - Garbage and recyclables shall be separated and disposed of by placing in the containers provided, or in an appropriate manner.
- D. FIRES – Fires are permitted only in fireplaces or other designated sites.
- E. PICNICING – Picnic grounds cannot be used to the exclusion of others.
- F. PUBLIC ADDRESS SYSTEMS - The use of loud speakers and public address systems are prohibited without permission.
- G. CAMPING - Camping is prohibited.
- H. MOTORIZED VEHICLES - Licensed and Unlicensed Motorized Vehicles of all types (except County authorized vehicles and emergency vehicles) are not permitted on County trails which includes, but is not limited to, mopeds, snowmobiles, three and four-wheeler all terrain vehicles, trucks and automobiles.
- I. SNOWMOBILES - Snowmobiles are strictly prohibited from using the County owned or maintained trails or their right of way. Snowmobiles must be operated in accordance with state statutes and on trails designated for such use only.
- J. HORSES - Horseback riding is prohibited on paved trails and trail right of ways.
- K. DOMESTIC PETS - Domestic Pets are permitted only when confined on a leash not exceeding 6 feet long. Pets are not permitted in any trail buildings or natural areas whether on a leash or not. Dogs running at large will be removed.
- L. FIREARMS AND WEAPONS - Firearms, explosives, slingshots, bows and arrows and other weapons are prohibited on trails at all times.
- M. OUTDOOR SPORTING ACTIVITIES - Hunting, trapping, fishing and seining are prohibited at all times.
- N. ADVERTISEMENTS - Private notices or advertisements shall not be posted, distributed or displayed on trail property without the written consent of Dodge County.

- O. PRIVATE OPERATIONS - No person, association or corporation shall engage in or solicit business within the trail boundaries without the express written consent of Dodge County.
- P. ALCOHOLIC BEVERAGES - Use or possession of intoxicating beverages are prohibited.

SECTION 16.43 SCHOOLS- ACCESSORY USE

Schools are only allowed as an accessory use to an established church or daycare primary use.

16.43.1 PERFORMANCE STANDARDS

- A. The site shall be served by a minor arterial or higher functional class of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- D. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan, waste management and recycling plan shall be submitted to address the impact of the facility on the environment.
- E. All parking areas, bus loading and unloading areas, delivery areas and access roads to any of these areas shall be hard surfaced.
- F. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- G. All accessory residential or day care uses are subject to the provisions of this Ordinance.
- H. All structures and grounds shall meet Minnesota State Building Code, Accessibility Code (ADA), and Fire Code. All existing and

new buildings, as well as any grounds used for school purposes, shall be inspected by licensed Building, ADA, and Fire code officials and proof of compliance with all applicable codes shall be submitted to the Environmental Services Department prior to utilization of the site.

- I. All sewage treatment systems located on the property shall have a valid Certificate of Compliance.
- K. Any well upon the site that provides drinking water shall meet all drinking water standards or alternative drinking water shall be provided. The well shall meet all Minnesota Department of Health standards for non-transient public water supplies, when applicable.

**SECTION 16.44 SERVICE STATION AND/OR CONVENIENCE STORE
(INCLUDING FUEL DISPENSING STATIONS)**

16.44.1 PERFORMANCE STANDARDS

In addition to the standards of the applicable district, the following requirements shall apply to automobile service stations and truck stops that dispense fuel, as well as, repair shops or the sale of tires or batteries:

- A. The parcel shall have a lot area no less than four times the area of the building footprint.
- B. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.
- C. A minimum landscape buffer of twenty-five (25) feet in width shall be planted and maintained along all abutting public rights-of-way, except at the access drives. A minimum fifteen (15) foot landscaped yard shall be planted and maintained adjacent to all property lines.
- D. There shall be no hazardous material runoff.
- E. Wherever fuel pumps are installed, pump islands shall be installed.
- F. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

- G. Access shall be approved and permitted by the appropriate road authority.
- H. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment. This use is prohibited in the mapped Enhanced Groundwater Sensitivity Area.
- I. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site. Open dead storage of motor vehicles awaiting service shall not be permitted for a period of more than forty-eight (48) hours.
- J. If a floor drain is installed in the area of the building in which service or maintenance is performed on motorized vehicles, that drain shall be connected to a holding tank and properly permitted by the EPA and MPCA.
- K. No sale or rental of motor vehicles or accessory vehicles, campers, trailers, etc. is allowed.
- L. The storage of salvage vehicles is prohibited.
- M. Any outdoor lighting system shall be designed so as to prevent any undue light from being directly visible from a public right-of-way or an adjacent residential use.
- N. Screening shall be at least six (6) feet in height, 80% opaque year around and of neutral colored material and/or vegetation. Screening shall be constructed and maintained along the rear and side property lines abutting the residentially zoned property. No screening shall be permitted within fifteen (15) feet of any street right-of-way.
- O. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance.
- P. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.
- Q. Motor fuel stations and truck stops shall have no more than one (1) pedestal type business identification signs not to exceed thirty (30) feet in height provided the sign:

- I. Is located a minimum of ten (10) feet from the Right of Way
- II. Meets the side and rear yard setbacks for accessory structures
- III. Has no more than two (2) faces
- IV. Does not exceed more than one hundred fifty (150) square feet of area per face
- V. Is not less than sixteen (16) feet, vertically, from the grade of the nearest driveway or parking area.

The pedestal shall not be less than five (5) feet from the driveway providing access to the station at its nearest point

R. SETBACKS

FEATURE	Lot Width	Front	Side	Rear
FUEL STATION	200'	70'	30'	30'
TRUCK STOP	200'	80'	60'	60'
PUMP		30'	30'	30'
SIGN		10'	10'	10'
FRONT EDGE OF CANOPY		10'	20'	20'

SECTION 16.45 SOLAR ENERGY SYSTEMS, ACCESSORY

16.45.1 PERMITTED USE

Solar energy systems less than 40 kW are a permitted accessory use in all Primary Zoning Districts. The principal use of energy generated by the Accessory Solar Energy System must be to serve the structures and facilities associated with an individual permitted or conditional use in the zoning district in which it is located. Ground mounted solar energy systems are considered an accessory structure and are prohibited from locating within the Floodplain Overlay Zoning District.

16.45.2 CONDITIONAL USE

Ground mounted accessory solar energy systems which exceed 40 kW, or cover greater than one-half (1/2) acre of land require a Conditional Use Permit and are subject to the administrative process of Chapter 18.

Unless exempt under the provisions of Section 18.12.2, ground-mounted solar energy systems require a Zoning Permit.

16.45.3 PERFORMANCE STANDARDS

A. ACCESSORY BUILDING LIMIT

Solar energy 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 lot coverage limits, as set forth in Section 16.3 of this Chapter.

B. HEIGHT

Active solar energy systems are subject to the following height requirements:

- I. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy 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.
- II. Ground or pole mounted solar systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.

C. SETBACKS

Solar energy systems are considered an accessory structure and must meet the accessory building setback for the zoning district in which it is located.

I. ROOF-MOUNTED SYSTEMS

In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems that are parallel to the roof surfaces 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 the least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of building on side yard exposure.

II. GROUND-MOUNTED SOLAR SYSTEMS

Ground mounted solar energy systems may not extend into the side-yard, rear, or road right-of-way setback when oriented at minimum design tilt

III. LARGE GROUND-MOUNTED SOLAR SYSTEMS

Ground-mounted solar energy systems that result in the creation of one (1) or more acres of impervious surface, must comply with MPCA's Construction Stormwater Permit requirements.

D. MAXIMUM COVERAGE

Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than eighty percent (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 in non-agricultural district shall not exceed one percent of the lot area.

E. APPROVED SOLAR COMPONENTS

Electric solar energy system components must have an Underwriter Laboratory (UL) listing.

F. COMPLIANCE WITH STATE ELECTRIC CODE

All photovoltaic systems shall comply with the Minnesota State Electric Code.

G. UTILITY NOTIFICATION

No grid-intertie photovoltaic system shall be installed until evidence has been given to the 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.

H. NUISANCE ABATEMENT

No owner, occupier or person in control of property shall allow vegetation or structures to be placed or grow so as to cause a shadow on a solar energy system which is greater than the shadow caused by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 a.m. to 2:30 p.m. Central Standard time on December 21st, provided however, this standards shall not apply to vegetation or structures which cause a shadow upon the solar energy system at the time of installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system.

A violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because such violation, so that performance of the system is impaired, may have in tort for damages sustained thereby and may have such nuisance abated.

As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the affected area with the County prior to installation of said system.

SECTION 16.46 SOLAR ENERGY FARMS

Solar Energy Farms are distinguished from Accessory Solar Energy Systems, as they are the primary land use for the parcel or leased area on which the array is located and are not constructed for the purpose of supplying/supplementing solely to the property owner on which the project is located. Solar Energy Farms that are a size of 40 kW or greater require a Conditional Use Permit (CUP).

16.46.1 CUP REQUIRED

Solar Energy Farms require a Conditional Permit issued under the procedures of Chapter 18.

16.46.2 PERFORMANCE STANDARDS

A. LOT SIZE

The lot parcel/tract upon which a Solar Energy Farm is located shall adequately handle the stormwater produced by the impervious surface of the panels, and meet all applicable setbacks without the need or a variance, but no less than the minimum lot size of the zoning district in which it is located.

B. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

- I. Erosion Prevention and Sediment Control Plans identifying practices to be implemented during the pre-construction, construction and post construction phases shall be submitted as part of the application. Erosion Prevention and Sediment Control Plans shall comply with Chapter 17.
- II. All stormwater generated on site shall be routed to stormwater basins prior to discharge. Stormwater Management shall also comply with Chapter 17. Where

conflicts between the provisions of this section and Chapter 17 occur, the more restrictive provision/requirement shall apply.

- III. Field soil evaluations shall be required to be completed to determine the type and size of stormwater treatment pond(s) required as part of the application submittal for a solar energy farm. During the time of year when field soil evaluations cannot be completed, the solar site area shall be sized to accommodate filtration, rather than infiltration.
- IV. A MPCA licensed construction/installer shall certify the design, oversee construction and sign off of the final installation of all practices.
- V. The contractor shall provide proof of coverage under MPCA's stormwater permit to the Department with the Zoning Permit application prior to land disturbing activities.
- VI. A performance bond or cash escrow in the amount of \$20,000 shall be submitted to the Department for the purpose of addressing any issues from correcting non-functioning basins or long-term maintenance activities. The project owner is responsible for all issues with, and long-term maintenance of the stormwater facilities. The bond/escrow shall be active and maintained at \$20,000 for the permitted "project life" as indicated in the CUP application.

C. FOUNDATIONS

The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels are within accepted professional standards, given local soil and climate conditions.

D. OTHER STANDARDS AND CODES

All solar energy farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota's Uniform Building Code, as amended; and the National Electric Code, as amended.

E. POWER AND COMMUNICATION LINES

Power and communication lines running between banks of solar energy panels and to electric substations or interconnection from the solar array

to the ROW shall be buried under ground.

Power and communication lines for the purpose of transporting energy from the solar farm are considered Essential Service Lines and are regulated under Section 16.21 of this Chapter.

F. GLARE

Solar Energy Farms shall not be permitted in areas where glare or reflection poses a risk to airports or traffic on public roadways. In addition, Solar Energy Farms shall not be permitted in areas where glare or reflection poses a nuisance to nearby receptors unless there is the ability to adequately mitigate the impacts through screening or other methods. Glare studies shall be required as part of the application to evaluate impacts to:

- I. Public and/or private airports located within 5 miles of the proposed array (when present)
- II. Two-way car and truck traffic on roads within a 1-mile radius of the proposed array
- III. All receptors within a 2-mile radius of the proposed array

G. VEGETATION MANAGEMENT

Vegetation planned for the solar energy farm area shall be planted and managed to promote successful establishment, meet the pollinator-friendly vegetation standard established by Minn. Stat. Section 216B.1642, Subd. 2, and prevent and control the spreading of noxious/invasive weeds to surrounding properties.

Low growing native pollinator species shall be utilized both under and surrounding the array.

H. SETBACKS

Solar Energy Farms shall meet the following setbacks:

- I. 200 feet from dwellings and other sensitive receptors
- II. 50 feet from property lines
- III. 50 feet from interstate, state and county road rights of ways or greater distance when required by the road authority

- IV. 60 feet from wetlands, unless it meets all exemption requirements of items “a” listed below:
 - a. The posts for pole-mounted solar panels is exempt from wetland setback standards for *Structures* defined in Chapter 4, provided:
 - i. The post is installed by driving the post into the soil and is not secured by concrete pier or foundation; and
 - ii. The wetland is classified as “PC” or “Prior Converted” by the Farm Service Agency and has been planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes six of the last 10 years; and
 - iii. The impacts are approved in accordance to the Minnesota Wetland Conservation Act Rules

This exemption does not apply to other *Structures* that are part of the solar energy system, including but not limited to, transformers, service buildings, gates, inverters, and other related *Structures*. A wetland delineation shall be submitted as part of the application to determine the appropriate setback.

- VI. 100 feet from the OHW of a public watercourse
- VII. 50 feet from other watercourses, ditches and county tile mains
- VIII. The interconnection shall be the farthest away possible point from neighboring feedlots
- IX. Prohibited in the Floodplain Overlay District
- X. Prohibited in the Urban Expansion Zone. Agricultural parcels located adjacent to existing urban expansion areas or to cities which have a valid annexation agreement with the township in the area proposed for the array must obtain approval from the city to proceed with an application for a solar farm in order for the applicant to be accepted by the Department.

Solar Energy farms that obtained land use approval through the CUP

process prior to adoption of this section are not subject to the more restrictive setbacks of dwelling and road setbacks listed in 16.46.2.H.I & II, of this section.

I. SCREENING/AESTHETICS

The applicant shall submit a visual impact analysis as part of the application to assist in any required screening plan. The analysis shall be of sufficient detail to provide the Planning Commission and County Board a visual representation of the site as viewed from the public roadways and neighboring receptors.

Screening may include earthen mounds/berms/ neutral colored fences, or landscaping of 80% opacity prior to energizing of the solar facility. Any screening plan must be submitted as part of the application and approved by the Planning Commission and County Board.

Three rows of trees planted at minimum 200 FT from road center line. The rows will be spaced 16 FT, 10 FT and 8 FT off center apart. The first two rows closest to the boundary line will be shrubs to achieve a mature height of 8-30 FT and the third row will be evergreens to achieve a mature height of 30-60 FT.

16.46.3 DISCONTINUATION, DECOMMISSIONING & RESTORATION

A. DISCONTINUATION – A solar energy farm shall be considered a discontinued use after one (1) year without production of energy, unless a plan is developed and submitted to the Dodge County Zoning Administrator outlining the steps and schedule for returning the array to service.

B. DECOMMISSIONING PERIOD - All panels, arrays and accessory facilities shall be removed within six (6) months of the discontinuation of use.

C. DECOMMISSIONING AND RESTORATION REQUIREMENTS – Decommissioning and site restoration requires complete removal of all equipment, components, poles, wiring, and any other features associated with the solar energy farm and bring the site to pre-solar farm conditions. This includes, but is not limited to:

I. Dismantling and removal of all arrays and costs associated with recycling of the panels. Landfilling of panels at the end of life is prohibited unless recycling is not a viable option. Economics between landfilling and recycling is not considered in determining whether or not recycling is viable.

- II. Removal of underground cables, conduits, etc....
 - III. Removal of accessory structures, fencing, poles and other ancillary facilities
 - IV. Removal of all foundations
 - V. Restoration and reclamation to the same general topography and vegetation that existed pre-solar installation
- D. DECOMMISSIONING & RESTORATION PLAN – All solar energy farms shall submit a Decommissioning and Restoration Plan as part of the project application. The cost estimate for decommissioning shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experiences with decommissioning. The plan shall include the following information:
- I. The manner in which the project will be decommissioned and the site restored.
 - II. The anticipated life of the project.
 - III. The estimated cost of decommissioning in current dollars not including anticipated salvage value.
 - IV. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration
 - V. DECOMMISSIONING FINANCIAL ASSURANCE.
 - a. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond or cash escrow in the amount of 110% of the estimated cost of decommissioning or in the amount according to the tiered decommissioning sums listed in the table below, whichever is greater, to finance the Decommissioning and Restoration plan of the solar energy farm.

Minimum Amounts for Initial Solar Farm Escrow Deposit or Surety

Megawatts of Solar Energy Farm	Amount of required Bond or Escrow
1.0 Megawatts or less	\$200,000
1.01 to 1.49 MW	\$250,000
1.5 to 1.99 MW	\$300,000
2.0 to 2.49 MW	\$350,000
2.5 to 2.99 MW	\$400,000
3.0 to 3.99 MW	\$450,000
4.0 to 4.99 MW	\$500,000
5.0 to 5.99 MW	\$550,000

*After 5.99 MW, the amount of surety will increase \$50,000 per every additional half megawatt

- b. The cost of decommissioning and the required escrow fund shall be updated to reflect the current cost of decommissioning in years 10, 20, & 30 (if applicable) from the date the permit is issued. The performance bond shall be set up as “continuous until cancelled” and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.

- E. **FAILURE TO DECOMMISSION** – If the financially responsible party of a solar energy farm does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County may take such action as may be necessary to decommission the solar farm and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the solar farm and restoring the property.

SECTION 16.47 STORES (RETAIL, GROCERY, DRY GOODS OR SIMILAR)

16.47.1 PERFORMANCE STANDARDS

A store shall be subject to the following performance standards:

- A. The site shall be served by a minor collector or higher functional classification of roadway

- B. The parcel shall have a lot area no less than four times the area of the building footprint.

- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with Chapter 17 of this Ordinance.
- E. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least six feet (6') in height, eighty percent (80%) opaque year around and of neutral colored material and/or vegetation.
- F. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

SECTION 16.48 TEMPORARY STORAGE OR OPERATION OF EQUIPMENT

The temporary storage of equipment and/or operations, limited to a bituminous plant, ready mix concrete plant or contractor's yard associated with highway construction or a similar public purpose, shall require an Interim Use Permit and is subject to the administrative provisions of Chapter 18 of this Ordinance.

16.48.1 PERFORMANCE STANDARDS

- A. The use shall comply with all applicable federal, state and County rules, regulations, laws and ordinances.
- B. All equipment and temporary buildings shall meet the setbacks of the underlying zoning district.
- C. The property owner shall submit a financial guarantee as specified by the Planning Commission that the temporary equipment/use will be removed upon termination of the Interim Use Permit (IUP). Upon termination of the IUP, the temporary equipment/use shall be removed from the premises within thirty (30) days.
- D. Stormwater management shall comply with the provisions of Chapter 17 and any required stormwater permit.

SECTION 16.49 TOWERS, SATELLITE ARRAYS & ANTENNAS

The construction, alteration, modification, transformation or addition of transmission towers, antennas, commercial satellite arrays and wireless communication facilities are regulated under this section. Towers associated with Wind Energy Conversion Systems (WECS) are subject to Section 16.51 of this Chapter.

16.49.1 PERMITTED USES

The following tower facilities and activities are permitted accessory uses and structures, subject to the performance standards of this Chapter, when located on the same parcel of land and within the same building site as the principal use of the property.

- A. Personal antennas under seventy (70) feet in total height, either utilized by a federally licensed amateur radio operator or receive-only antennas or personal satellite facilities incidental and accessory to a single residential use.
- B. Routine maintenance of existing tower facilities or modification of lighting to conform with federal, state or local requirements, subject to the performance standards of this section.
- C. The addition of antennas to, or co-location of, new facilities on an existing tower facility that does not constitute a *Substantial Change* as defined in Chapter 4 of the Dodge County Zoning Ordinance.
- D. *Temporary Towers* as defined in Chapter 4 of the Dodge County Zoning Ordinance.

16.49.2 CUP REQUIRED

A CUP is required for:

- A. All commercial tower facilities that require the placement of a new tower.
- B. Expansion of an existing commercial tower by addition to its overall height or the addition of antennas and other facilities which would result in a Substantial Change as defined in Chapter 4,
- C. The addition of a commercial antenna(s) on existing structures, including, but not limited to buildings, flagpoles, church steeples, cupolas, ball fields lights and power line support devices that result in an overall height of the structure to exceed thirty-five (35) feet.
- D. Commercial satellite arrays and/or hubs

16.49.3 CUP APPLICATION

An application for a tower or array shall be on forms provided by the Department. The Dodge County Environmental Services Department may contract with an independent technical expert to review technical material submitted by the applicant, and/or to determine if additional information is necessary. The applicant shall pay the cost of the review and/or independent analysis an application for a CUP shall not be considered complete unless it provides a discussion for co-location which meets the requirements of 16.49.4, below.

16.49.4 CO-LOCATION REQUIREMENTS

The applicant shall review all existing towers within a two (2) mile radius for the possibility of co-location. Co-location on existing towers shall be required, unless the applicant provides documentation on corporate letterhead including supporting information that equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a two (2) mile search radius of the proposed tower due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent registered professional structural engineer or a structural engineer with equivalent credentials, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost.
- B. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a competent electrical engineer specializing in radio frequency and the interference cannot be prevented at a reasonable cost.
- C. Existing or approved towers or buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a competent electrical engineer specializing in radio frequency communications and/or structural engineer.
- D. The applicants shall submit proof of best efforts to negotiate reasonable industry terms regarding the lease or purchase of space on an existing tower.
- E. Coverage objectives of the carrier cannot be met by using existing towers and or other structures within a two-mile radius
- F. Other reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

16.49.5 CRITERIA FOR GRANTING A CUP

In addition to the general criteria for granting a CUP listed in Section 18.13 of this Ordinance, the following factors shall also be considered.

- A. Height of the proposed tower facility
- B. Proximity of the tower facilities to residential structures and residential district boundaries
- C. Nature of uses on adjacent properties
- D. Availability of suitable existing towers and other structures for co-location
- E. Impact to the existing aesthetics

16.49.6 TOWER SITE PERFORMANCE STANDARDS

A. SITING LIMITATIONS

Towers and associated facilities are prohibited from being located within the following:

- I. Mapped and/or field identified wetlands
- II. Areas identified with native prairie remnants
- III. The Shoreland or Floodplain Overlay Districts as identified in Chapter 5 of this Ordinance
- IV. Areas identified as *Special Interest* or scenic
- V. Areas mapped as *Conservation Corridor*, regardless of the underlying Zoning District
- VI. Slopes exceeding twelve (12) percent
- VII. Areas mapped as microwave corridors for federal, state or local emergency services
- VIII. Dodge Center Airport Zone, unless approved by the City of Dodge Center

B. SETBACKS

I. TOWER

The tower facility shall have a minimum setback distance to the property line and/or recorded easement boundary equal to the height of the tower, or the structure setback of the zoning district in which it is located, whichever is greater. This setback may be reduced to one-half (1/2) the height of the tower,

provided that the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the proposed tower to the property line.

II. ACCESSORY FACILITIES AND FEATURES

Accessory buildings/structures and other facilities shall require a zoning permit and meet the setbacks for accessory structures of this Chapter.

C. FENCING

Visible and secure fencing no less than eight (8) feet in height shall be placed around the tower and all accessory facilities.

D. SIGNS

No advertisement of any kind is permitted anywhere at the facility, with the exception of one (1) identification sign not to exceed four (4) square feet. "No Trespassing" signs shall be posed around the facility with a telephone number of who to contact in the event of an emergency.

E. TOWER AND FACILITY REQUIREMENTS AND STANDARDS

I. SAFETY DESIGN STANDARDS- Unless otherwise specified, the following standards apply to towers.

- a. ENGINEERING/INSPECTOR CERTIFICATION – The manufacturer's engineer or other qualified engineer(s)/inspector(s) shall certify that the tower foundation and design is within accepted professional standards, given local soil and climate conditions. This includes, but is not limited to, proof of compliance with National Electrical Code, the State of Minnesota's Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed tower. Any costs associated with the contracted services shall be at the expense of the permittee.
- b. EQUIPMENT – Equipment shall conform to applicable industry standards including the Telecommunications Industry Association standards for tower design and related standards adopted by the American Standards Institute (ANSI). All towers shall be commercially available, not prototype towers.
- c. CLIMBING APPARATUS – All climbing apparatus

located outside of the tower shall be located at least fifteen (15) feet above the ground. All towers shall have controlled access and secured at all times.

d. WARNINGS

1. For all towers, signs with emergency contact information shall be posted on the turbine or at another suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the supporting and accessory structures, when present.

II. TOWER HEIGHT STANDARDS

The height of the tower may be restricted in Airport the airport zoning district and is subject to review an approval by the appropriate governing unit.

III. TOWER CONFIGURATION STANDARDS

- a. COLOR AND FINISH – Towers and antenna, including support structures and fencing shall be designed to blend into the surrounding environment to the maximum extent possible. Towers not requiring Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) painting or markings shall have either a galvanized finish or be white, light blue gray or another non-obtrusive color.
- b. At the tower site, the design of the support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities into the natural setting and built environment.
- c. If an antenna is installed on a structure other than an independently standing tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall be constructed of a monopole or other freestanding design without the use of guy-wires or supporting cables.

- e. Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by the FAA and/or FCC permits and regulations.

16.49.7 DISCONTINUATION, DECOMMISSIONING & RESTORATION

- A. DISCONTINUATION – A commercial tower shall be considered a discontinued use after one (1) year without service, unless a plan is developed and submitted to the Dodge County Zoning Administrator outlining the steps and schedule for returning the tower to service.
- B. DECOMMISSIONING PERIOD - All towers and accessory facilities shall be removed within six (6) months of the discontinuation of use.
- C. DECOMMISSIONING AND RESTORATION REQUIREMENTS – Decommissioning and site restoration include:
 - I. Dismantling and removal of all towers
 - II. Removal of underground cables
 - III. Removal of accessory structures, fencing and other ancillary facilities
 - IV. Removal of foundations to a depth of four (4) feet below grade.
 - V. Restoration and reclamation to the same general topography that existed just prior to the beginning of construction of the tower. Areas disturbed by the construction of the tower and decommissioning activities must be graded, top-soiled and re-seeded according to USDA Natural Resources Conservation Service (NRCS) or Soil and Water Conservation District (SWCD) technical recommendations.
- D. DECOMMISSIONING & RESTORATION PLAN – All commercial towers shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:
 - I. The manner in which the project will be decommissioned and the site restored.

- II. The anticipated life of the project.
- III. The estimated Net Cost of decommissioning in current dollars. The Net Cost is the estimate of the sum of all labor and other costs associated with performing the requirements of Section 16.49.7.C, less the Salvage Value of the materials.
- IV. The method and schedule for updating the cost of decommissioning and restoration. The cost of decommissioning shall be updated and provided upon request by Dodge County.
- V. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration
- VI. DECOMMISSIONING FINANCIAL ASSURANCE.
 - a. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as approved in the Decommissioning and Restoration Plan. The performance bond shall be set up as “continuous until cancelled” and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.
 - b. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.
- E. FAILURE TO DECOMMISSION – If the financially responsible party of a commercial towers does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County

may take such action as may be necessary to decommission a commercial tower and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the commercial tower and restoring the property.

SECTION 16.50 WAREHOUSING, STORAGE, DISTRIBUTION AND WHOLESALE FACILITIES

16.50.1 PERFORMANCE STANDARDS

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. All loading and unloading facilities shall be located on the rear or side of the structure or be screened from view from residential uses.
- D. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with Chapter 17 of this Ordinance. Screening shall be at least eight feet (8') in height, eighty percent (80%) opaque year around and of neutral colored material and/or vegetation.
- E. A retail sales area may be allowed as an accessory use provided that sales are limited to the sale of goods produced on-site and the retail sales area does not occupy more than twenty percent (20%) of the principal structure.
- F. A transportation management plan shall be submitted with any permit application to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- G. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a Stormwater Management plan in accordance with Chapter 17 and drainage plan shall be submitted with any permit application to address the impact of the facility on the

environment.

- H. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- I. Any exterior lighting shall comply with Chapter 17 of this Ordinance.
- J. The hours of operation shall not have an adverse impact on adjacent property owners.

SECTION 16.51 WIND ENERGY CONVERSION SYSTEMS (WECS)

16.51.1 PURPOSE

Dodge County promotes the use of Wind Energy Conversion Systems (WECS) to balance the need for clean and renewable energy with the need to protect public health, safety, and general welfare. This section is established to set forth regulations and performance standards for Wind Energy Conversion Systems (WECS) with a rated capacity of less than 5,000 kW or 5 megawatts (MW), and to regulate the installation, operation and decommissioning of WECS within Dodge County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, Wind Energy Conversion Systems, as amended. In no case shall provisions of this section guarantee wind rights or establish access to the wind.

16.51.2 LAND USE APPROVALS

Zoning Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes Chapter 394. An application for WECS and met towers shall be submitted on forms provided by the Department.

16.51.3 AGGREGATED PROJECTS

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 may be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for state oversight as set forth in MN Statute 216F.01 through 216F.081 shall be regulated by the State of Minnesota.

16.51.4 PERFORMANCE STANDARDS

A. SETBACKS

All WECS and met towers shall adhere to the setbacks and performance standards established in the following table. Where the provisions of this section conflict with any state standards/permits pertaining to the use, the more restrictive provisions apply.

RESOURCE	Micro WECS < 1 kW	Non-Commercial WECS 1kW< and <40kW	Commercial WECS 40 kW< and <5,000 kW	Meteorological Tower NA
Wind Access Buffer (setback from Project Boundary defined as public and private lands/parcels and /or wind rights not under permittee's control)	1.1 times the total height of the structure, but no less than the structure setback of the underlying zoning district.	5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, <u>whichever is greater.</u> Any guy wires must meet the structure setbacks of the District.
Participating Dwellings	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA Applies to all dwellings/occupied structures other than that which the Micro-WECS serves. The WECS must not be any closer to the on-site occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA or 1.1 times the total height of the wind turbine from the property line or R.O.W. line, <u>whichever is greater.</u> Applies to all dwellings/occupied structures other than that which the WECS serves. The WECS must not be any closer to the on-site dwelling/occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA during overnight hours, or Minimum of 750 feet, <u>whichever is greater.</u> Applies to all dwellings/occupied structures.	250 feet or 1.1 times the total height, <u>whichever is greater.</u> Any guy wires must meet the structure setbacks of the District.
Non-participating Dwellings Occupied Structures (includes, but not limited to schools, churches and places of business)	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA Applies to all dwellings/occupied structures other than that which the Micro-WECS serves. The WECS must not be any closer to the on-site occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA or 1.1 times the total height of the wind turbine from the property line or R.O.W. line, <u>whichever is greater.</u> Applies to all dwellings/occupied structures other than that which the WECS serves. The WECS must not be any closer to the on-site dwelling/occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA during overnight hours, or Minimum of 1000 feet, <u>whichever is greater.</u> Applies to all dwellings/occupied structures.	250 feet or 1.2 times the total height, <u>whichever is greater.</u> Any guy wires must meet the structure setbacks of the District.
Public Roads ROWs Other ROWs (trails, railroads, and utility or drainage easements, etc.) The setback shall be	1.1 times the total height, from the property line, ROW or easement, <u>whichever is greater.</u> Setback must not be less than the structure setback of	1.1 times the total height from the property line, ROW or easement, <u>whichever is greater.</u> The most restrictive setback applies.	250 feet, or 1.1 times the total height from the property line, ROW, or easement, <u>whichever is greater.</u> The most restrictive setback	250 feet, or 1.1 times the total height, <u>whichever is greater.</u> Any guy wires must

Dodge County Zoning Ordinance

measured from future ROW if a planned changed or expanded ROW is known,	the underlying zoning district.		applies.	meet the structure setbacks of the District.
Public Conservation Lands	An amount equal to the total height of the structure, but no less than the structure setback of the underlying zoning district.	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, <u>whichever is greater</u> . Any guy wires must meet the structure setbacks of the District.
Wetlands	No turbines, towers or associated facilities shall be located within any type of wetland.	No turbines, towers or associated facilities shall be located within any type of wetland.	No turbines, towers or associated facilities shall be located within any type of wetland.	No towers shall be located in any type of wetland.
Planned City Expansion Boundaries (per Comprehensive Plan and City Plans)	An amount equal to 1.1 the height of the structure, but no less than the structure setback of the underlying zoning district	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, <u>whichever is greater</u> . Any guy wires must meet the setbacks of the District.
Other Existing WECS and Internal Turbine Spacing	N/A	Minimum of 3 RD apart for crosswind spacing. Minimum of 5 RD apart for downwind spacing.	Minimum of 3 RD apart for crosswind spacing. Minimum of 5 RD apart for downwind spacing.	N/A
Urban Expansion District Rural Residential District	N/A	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	N/A
Aviation (public and private airports)	N/A	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.
MnDOT Microwave Beam Path Corridor	No turbines shall be located within MnDOT corridor.	No turbines shall be located within MnDOT corridor.	No turbines shall be located within the MnDOT corridor.	Not allowed within the MnDOT corridor.

B. ADDITIONAL REQUIREMENTS

- I. TOTAL NAME PLATE GENERATING CAPACITY - Based on their total name plate generating capacity, C-BED Projects are considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Ordinance, and will follow the setbacks established for the category for which they fall under, as listed in Section

16.51.4.A of this Ordinance.

- II. NOISE – Project must meet Minnesota Noise Standards, Minnesota Rules Chapter 7030, as amended, at all residential receivers (dwellings). Specifically, Residential Noise Standard NAC1, L50 50dBA. Setback distance is calculated based upon site layout and turbine for each residential receiver. Setback distances from residential receivers may be increased if the County determines that the MPCA’s minimum noise standard NAC1 for residential receivers listed above is not sufficient for the preservation of public health and welfare.
- III. ALL MAPPED AND/OR FIELD IDENTIFIED WETLANDS - Turbines and associated facilities shall not be placed in areas identified as wetlands. However, electric collector and feeder lines may cross or be placed in wetlands subject to proper federal, state, and local permits/approvals.
- IV. DNR PUBLIC WATERS AND PUBLIC WATERS WETLANDS- No turbines, towers or associated facilities shall be located in public waters or public waters wetlands. However, electric collector and feeder lines may cross or be placed in public waters or public waters wetland subject to Department of Natural Resources (DNR), Fish and Wildlife Service (FWS) and United States Army Corp of Engineers (USACOE) permits/approvals.
- V. NATIVE PRAIRIE – Turbines and associated facilities shall not be placed in native prairie unless approved in the native prairie protection plan. A Native Prairie Protection Plan shall be submitted if native prairie is present. The permittee shall, with guidance from the DNR and other selected by the permittee, prepare a prairie protection and management plan and submit it to the County and DNR Commissioner sixty (60) days prior to the start of construction.
- VI. SAND AND GRAVEL OPERATIONS – No turbines, towers or associated facilities in active sand and gravel operations.
- VII. SETBACKS OF ACECESSORY FEATURES – Substations and accessory facilities not located within a public right-of-way or any utility easement shall meet all the setbacks of the underlying zoning district or a minimum of one hundred (100) feet, whichever is greater. Substations and accessory facilities shall, at a minimum meet the requirements of Section 16.21 of this Chapter and any

conditions required by the County Board. Visible and secure fencing no less than eight (8) feet in height shall be placed around the substation, transformer, and all accessory facilities.

- VIII. FEEDER LINES - All feeder lines that are equal to or less than 34.5 kV in capacity shall be buried and located on the back side of the right-of-way. Feeder lines installed as part of a WECS project shall not be considered an essential service.
- IX. NEW DWELLINGS - The setback for new dwellings shall be reciprocal to the setback for new turbines to existing dwellings in that no dwelling shall be constructed within the same setback as a new turbine(s) would need to meet to an existing dwelling.
- X. SPECIAL INTEREST AREAS – Project modification may be required to avoid areas identified as Special Interest. Where avoidance is not possible, a mitigation plan shall be required that adequately addresses protection of the resource of interest to the maximum extent possible.
- XI. OTHER SIGNAGE - All signage on site shall comply with the general development standards for Signs in Chapter 17 of this Ordinance. The manufacturers' or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
- XII. 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. The permittee shall be responsible for compliance with all local, state and federal regulations applicable to the generation, storage, transportation, clean up and disposal of solid and hazardous wastes generated during any phase of the project's life. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.
- XIII. ORDERLY DEVELOPMENT - Upon issuance of a conditional use permit, all WECS shall notify the Minnesota Public Utilities Commission (PUC) Energy Facilities Permitting Program Staff of the project location and details on the survey form specified by the PUC.

XIX. STEEP SLOPES – Development on slopes exceeding 12% is prohibited.

C. TOWER AND FACILITY REQUIREMENTS AND STANDARDS

I. SAFETY DESIGN STANDARDS- Unless otherwise specified, the following standards only apply to Non-Commercial and Commercial WECS.

- a. ENGINEERING/INSPECTOR CERTIFICATION – The manufacturer’s engineer or other qualified engineer(s)/inspector(s) shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. This includes, but is not limited to, proof of compliance with National Electrical Code, the State of Minnesota’s Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed turbine. Any costs associated with the contracted services shall be at the expense of the permittee.
- b. EQUIPMENT – Equipment shall conform to applicable industry standards including the American Wind Energy Association standards for wind turbine design and related standards adopted by the American Standards Institute (ANSI). All wind turbines, which are part of a commercial, non-commercial or C-BED WECS, shall be commercially available, “utility scale”, not prototype turbines.
- c. OVERSPEED CONTROLS – All wind turbines, including Micro-WECS, shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within unit design limits. A professional engineer must certify that the wind turbine is equipped with rotor and overspeed controls. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- d. CLEARANCE - Rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and the ground.
- e. CLIMBING APPARATUS – All climbing apparatus located outside of the tower shall be located at least fifteen (15) feet above the ground. All towers shall

have controlled access and secured at all times.

f. WARNINGS

1. For all WECS, including Micro-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 and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the substation and/or transformer.
2. For all guyed met 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 (8) feet above the ground. Visible chain-link fencing no less than six (6) feet in height shall be installed around anchor points of guy wires. Consideration shall be given to painted aviation warning on meteorological towers of less than two hundred (200) feet.

II. TOWER HEIGHT STANDARDS

a. TOTAL HEIGHT

1. Micro-WECS shall have total height of less than forty (40) feet.
2. Non-Commercial WECS shall have a total height of less than two hundred (200) feet.

b. In those districts where meteorological towers are a permitted or conditional use, these permitted met towers shall be exempt from the height requirements listed in the performance standards of the underlying zoning district.

c. All WECS permitted under a CUP are exempt from the height performance standards of the underlying zoning district. Micro-WECS and Non-Commercial WECS shall comply with the height requirements of 16.51.4.C.II.a, above.

III. TOWER CONFIGURATION STANDARDS

- a. TYPE OF TOWER - All wind turbines, which are part of a Commercial, Non-Commercial or C-BED WECS, shall be commercially available, "utility scale", not prototype turbines. Turbines shall be installed on tubular, monopole design towers.
- b. GUYED TOWERS - Meteorological towers may be guyed. Any guy wires on the structures shall be marked with safety shields. Visible fencing no less than six (6) feet in height shall be installed around anchor points of guy wires.
- c. COLOR AND FINISH - All wind turbines and towers that are part of a WECS shall be white, light blue gray or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. 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 night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

16.51.5 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 two 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 Minnesota Department of Transportation microwave transmissions.

16.51.6 AVOIDANCE AND MITIGATION OF DAMAGES

A. ROADS

- I. Identify all public roads to be used for the purpose of transporting WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the WECS and all supporting infrastructure. Obtain all applicable

weight and size permits from the appropriate road authority(ies) prior to any construction. Alternate routing may be determined by the road authority(ies).

- II. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits. Under no circumstance shall road signage be altered without prior written permission from the road authority(ies).
- III. Contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes prior to and after construction and decommissioning. The inspection may include photo and video logs, cross section measurements and profiles to include in the written agreement to document condition of the public facility.
- IV. Contact the Dodge County Dispatch prior to any road closures or traffic delays for the purpose of re-routing emergency vehicles during the closure(s).
- V. Provide a Performance Bond to be held by Dodge County until the Township and County road authority(ies) have provided the County Finance Director with a written release that all haul routes within their jurisdiction in Dodge County have been returned to pre-construction condition.
- VI. Private roads, driveways or lanes damaged by actions associated with the construction, operation or decommissioning of a WECS shall be immediately repaired to the pre-existing condition, unless otherwise negotiated with the affected landowner.
- VII. A separate and comprehensive road agreement may be required by the County road authority and if established shall supersede this section.

B. DRAINAGE SYSTEMS

- I. During construction, operation, maintenance and decommissioning of a WECS, the applicant shall first avoid damages to public and private drainage systems.
- II. If avoidance of these systems is not possible, the permittee shall minimize and mitigate impacts to the maximum extent feasible. The permittee shall hire a local farm/agricultural drainage company to immediately repair any damage to

public and private drainage systems stemming from construction, operation, maintenance, or decommissioning of WECS. Any repair work performed on public ditches shall be approved by the Dodge County Ditch Inspector. All costs associated with the repair work shall be paid by the permittee.

C. AGRICULTURAL LANDS

The permittee shall protect and restore cultivated agricultural land impacted by WECS and mitigate the adverse impacts of construction and decommissioning on the productive use of that land.

- I. APPLICATION OF HERBICIDES AND/OR PESTICIDES – Use of herbicides and/or pesticides is restricted to those approved by the Minnesota Department of Agriculture. Methods and rates of application of herbicides and/or pesticides shall be in accordance with recommendation of the Minnesota Department of Agriculture. The permittee shall contact the landowner prior to application.
- II. FENCES – The permittee shall promptly repair or replace all fences and/or gates removed or damaged during the project life and provide continuity of electric fence circuits.
- III. TREE REMOVAL – The permittee shall minimize the removal of trees and shall not remove trees or shelter belts without approval of the affected landowner.
- IV. TOPSOIL AND COMPACTION – The permittee shall protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. The permittee shall minimize soil compaction of all lands during all phases and confine soil compaction to as small of an area as possible.

16.51.7 DISCONTINUATION, DECOMMISSIONING & RESTORATION

A. DISCONTINUATION

A Commercial WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Dodge County Zoning Administrator outlining the steps and schedule for returning the WECS to service.

B. DECOMMISSIONING PERIOD

All WECS and accessory facilities shall be removed within six (6) months of the discontinuation of use.

C. DECOMMISSIONING AND RESTORATION REQUIREMENTS

Decommissioning and site restoration include:

- I. Dismantling and removal of all towers
- II. Removal of turbine generators
- III. Removal of collection transformers
- IV. Removal of overhead collection/transmission cables and structures
- V. Removal of underground cables
- VI. Removal of foundations, buildings, substations and other ancillary equipment to a depth of four (4) feet below grade.
- VII. Removal of surface road material and restoration of the roads to substantially the same physical condition that existed immediately before construction of the WECS or wind turbine.
- VIII. Restoration and reclamation to the same general topography that existed just prior to the beginning of construction of the WECS or wind turbine. Areas disturbed by the construction of the WECS and decommissioning activities must be graded, top-soiled and re-seeded according to USDA Natural Resources Conservation Service (NRCS) or Soil and Water Conservation District (SWCD) technical recommendations.

D. DECOMMISSIONING & RESTORATION PLAN

All commercial WECS shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:

- I. The manner in which the project will be decommissioned and the site restored.
- II. The anticipated life of the project.

- III. The estimated Cost of Decommissioning in current dollars.
- IV. The method and schedule for updating the cost of decommissioning and restoration. The cost of decommissioning shall be updated and provided upon request by Dodge County.
- V. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration
- VI. DECOMMISSIONING FINANCIAL ASSURANCE.
 - a. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond in an amount sufficient to cover the Cost of Decommissioning as approved in the Decommissioning and Restoration Plan. The performance bond shall be set up as “continuous until cancelled” and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.
 - b. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.

E. FAILURE TO DECOMMISSION

If the financially responsible party of a Commercial WECS does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County may take such action as may be necessary to decommission a Commercial WECS and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the commercial WECS and restoring the property.

16.51.8 PRE-CONSTRUCTION REQUIREMENTS

- A. Non-Commercial and Commercial WECS permittees shall conduct a Pre-Construction meeting in the Dodge County Courthouse prior to construction commencement with a written notice sent to the following a minimum of one week prior to the meeting:
 - I. Township Chairman
 - II. Dodge County Highway Engineer
 - III. Dodge County Sheriff
 - IV. Dodge County Zoning Administrator
 - V. USDA NRCS
 - VI. Dodge County Soil & Water Conservation District
 - VII. County Commissioner of affected Township
- B. Non-Commercial and Commercial WECS permittees shall provide proof of liability insurance for all contractor's performing work on the WECS project.
- C. When applicable, the permittee shall submit copies of all final permits, agency approvals and documentation that verifies compliance with all state, local and federal regulations. Additional conditions may be added to the CUP to address concerns of these agencies obtained during the review period.
- D. Commercial WECS shall provide a Performance Bond in an amount sufficient to cover the cost of Decommissioning as determined by the approved Decommissioning and Restoration Plan. In the event a bond cannot be issued, the County Board will determine the amount to be escrowed to adequately address decommissioning and restoration concerns and protect the county and its' residents from future liability. The escrow fund is required to be established prior to any earth moving or construction activities.
- E. The permittee for Non-Commercial and Commercial WECS shall contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes prior to construction as required in Section 16.51.6.A. The approval of the road authority(ies) is required prior to commencement of any earth moving or construction activities.

16.51.9 POST-CONSTRUCTION REQUIREMENTS

Non-Commercial and Commercial WECS Permittees shall provide:

A. AS-BUILT & CERTIFICATIONS

Within sixty (60) days of project completion, the permittee shall submit to the county a copy of the as-built plans and specifications, including certification from the manufacturer's engineer or other qualified engineer that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. All costs associated with the contracted engineer's service shall be born by the permittee.

B. OTHER CERTIFICATIONS/INSPECTIONS

Prior to operation of the WECS, the permittee shall provide proof of compliance with the National Electrical Code, the State of Minnesota's Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed turbine, in addition to other assurances stating that the WECS and accessory facilities are in compliance. The inspection(s) must be performed and documented by an appropriately licensed inspector(s)/engineer(s). Any costs associated with the contracted inspector/engineer(s) service shall be paid by the permittee.

C. POST CONSTRUCTION ROAD SURVEY

Contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes after construction. The road authority(ies) shall sign off that all work has been completed to their satisfaction before the performance bond can be released.

D. NOISE MONITORING

Noise monitoring shall be conducted for one (1) year following start-up of turbines to verify commercial projects will comply with Minnesota Rules Chapter 7030 governing noise, as amended. The WECS must meet Minnesota Noise Standards, Minnesota Rules Chapter 7030, as amended. Specifically, residential noise standard NAC1, L50 50dBA during overnight hours. Results of noise monitoring shall be submitted to the Environmental Services Department on a quarterly basis.

16.51.10 VIOLATIONS AND PENALTIES

A. Except in the instances of Failure to Decommission, violations of any part of this Section or any provision of any permit issued under this section is subject to enforcement procedures/processes under Chapter 19 of the Dodge County Zoning Ordinance.

- B. Failure to Decommission shall be subject to Section 16.51.7.E.

16.51.11 FEES

The Fees for a zoning permit, variance, amendment, or conditional use permit, shall be established by the County Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Permit only after the fee has been paid and a determination has been made that the application complies with the terms of the Conditional Use Permit, the performance standards of this section, and other relevant portions of the Dodge County Zoning Ordinance.

CHAPTER 17: GENERAL DEVELOPMENT STANDARDS

SECTION 17.1 PURPOSE AND APPLICATION

The purpose of this section is to provide standards for land disturbing or other development activities within Dodge County. The standards are established to minimize conflict between land uses, to preserve the use and enjoyment of property, to encourage a high standard of development, protect natural features and to protect the public health, safety and welfare. The regulations contained in this Chapter apply to all land disturbing or other development activity and are in addition to any specific Performance Standards listed in Chapter 16 and/or any Primary or Overlay Zoning District requirements of this Ordinance.

SECTION 17.2 ACCESS AND DRIVEWAYS

17.2.1 NEW, REVISED OR CHANGE OF USE ACCESSES ONTO COUNTY ROADS OR COUNTY STATE AID HIGHWAYS

All new, revised or change of use accesses onto County Roads (CR) or County State Aid Highways (CSAH) shall be subject to approval and any required permit(s) of the Dodge County Highway Department and the Dodge County Comprehensive Plan. In addition to the requirements of this Ordinance, the Dodge County Highway Engineer shall determine the appropriate location, size and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow. Accesses on any county highway shall require a permit from the Dodge County Highway Department.

17.2.2 ACCESS TO STATE HIGHWAYS

All new, revised or change of use accesses on any State Highways shall require the approval of the Minnesota Department of Transportation (MNDOT).

17.2.3 ACCESS TO TOWNSHIP ROADS

All new, revised or change of use accesses on any township road shall, if required, require the approval of the appropriate Township Board of Supervisors.

17.2.4 DESIGN STANDARDS

RESOURCE/USE	EASEMENT	DRIVING SURFACE*	SURFACE	DISTANCE FROM PROPERTY LINE
RESIDENTIAL USES				
Single Lot not fronting public road	33'	16'	Gravel or better	5'

1 dwelling	NA	Min 16' Max 24'	Gravel or better	5'
2 dwellings	66'	24	Gravel or better	5'
NON-RESIDENTIAL USES				
Single use fronting public road	NA	30'	Gravel or better	5'
Single Use not fronting public road	33'	30'	Gravel or better	5'

* Driving Surface may be decreased if it is adequate for emergency services access and approved by appropriate road authority.

17.2.5 ACCESS DRIVES- UP TO TWO DWELLINGS

Drives which provide access for up to two (2) dwellings shall be considered a private access drive and shall meet the following standards:

- A. Private access drives shall provide an adequate turnaround area for emergency and public service vehicles, as determined by the emergency services that serve the area in which the private road is located/proposed.
- B. Private access drives shall be maintained by the landowners it serves.

17.2.6 ACCESS DRIVES – THREE OR MORE DWELLINGS

Drives which provide access for three (3) or more dwellings shall meet the requirements for public roads in the Chapter 20 (Subdivision Regulations) of this Ordinance.

SECTION 17.3 BUILDABLE AREA

17.3.1 DEFINED

The "Buildable Area" is the land area of any lot, parcel or tract on which structures can be located. "Buildable Area" does not include:

- A. Land located within the Road Right of Way;
- B. Land located within any public or private easement;
- C. Wetlands, ditches, watercourses, waterways, natural drainageways and/or frequently flooded soils or other areas of open water;
- D. Regulatory Floodplain as defined in Chapter 7 and regulated under

Chapter 15 of this Ordinance;

- E. Areas with eighteen percent (18%) or greater slope;
- F. Land located within any applicable setback of the Primary or Overlay Zoning District;
- G. Areas the Sewage Treatment/Septic Designer has identified for the location of the primary and secondary sewage treatment system or tanks;
- H. Land located on a lot where impervious surface coverage limits have already been met or are currently exceeded;
- I. Land where other legal or ordinance restrictions exist, which would prevent or prohibit the placement of a structure.

SECTION 17.4 BUILDABLE LOTS/PARCELS

Lots/parcels for the purpose of the placement, installation or erection of structures are not considered to be "buildable" unless the following conditions are met:

17.4.1 NEW LOTS/PARCELS INCLUDING SPLITS OF EXISTING PARCELS CONTAINING STRUCTURES

- A. The lot, parcel or tract must contain no less than the minimum lot dimensions, including area, depth and width at structure setback line, for the Primary or Overlay Zoning District in which it is located.
- B. The lot, parcel or tract must be no less than that required to support the intended use of the property, as identified in the Performance Standards of Chapter 16.
- C. The "buildable area" of the new lot, parcel or tract, as defined by Section 17.3 of this Chapter, must be of sufficient size to support the proposed use, primary structure(s) and any accessory structures and meet all applicable setbacks of the Primary or Overlay Zoning District in which it is located.
- D. When a new lot is proposed for or contains an existing use or structure that requires sewage treatment, the new lot, parcel or tract must be of sufficient size to support two (2) Type 1 (or standard) sewage treatment systems. The locations of the system shall be identified on the survey of the lot, parcel or tract and protected from all land disturbing activities, development and compaction.
- E. The lot, parcel or tract must have frontage on, or legal recorded

access easements to, a public road.

- F. The lot, parcel or tract must not have other legal or ordinance restrictions upon it which would prevent the placement of a structure
- G. When density standards exist for the proposed use, the lot, parcel or tract must be located where density standards for the use have not already been met and all other criteria of this Ordinance have been met.
- H. New buildable lots created through subdivision (splits) of existing building sites containing existing buildings and other structures, shall be approved by the appropriate subdivision processes of this Ordinance.

17.4.2 LOTS OF RECORD

To be a “buildable” Lot of Record, the following must be met:

- A. The lot must have been compliant with the ordinance requirements for lot area, width and depth in effect at the time the lot was created. Any new lot/parcel created through the combination or split of existing Lots of Record which does not meet the minimum standards for new buildable lots in effect at the time of the creation of the new lot/parcel shall be designated as non-buildable.
- B. When proposed for a use that would require sewage treatment, the Lot of Record must be of sufficient size to support one (1) Type 1 (or standards) sewage treatment systems. The locations of the system shall be identified on the survey of the lot/parcel and protected from all land disturbing activities, development and compaction.
- C. The Lot of Record must be of sufficient size to support the proposed use, primary structure(s) and any accessory structures and all applicable setbacks of the primary or overlay district in which it is located.
- D. The Lot of Record must have frontage on, or legal recorded access easements to, a public road.
- E. When density standards exist for the proposed use, the Lot of Record must be located where density standards for the use have not already been met and all other provisions of this Ordinance have been met.

17.4.3 EXISTING PARCELS WITH REMOVAL PERMIT FOR DILAPIDATED DWELLING

- A. Parcels where a dilapidated dwelling exists may remain buildable after removal of the dilapidated dwelling if:
 - I. The structure shall meet the definition of a dilapidated dwelling per Dodge County Zoning Ordinance and as determined by the Dodge County Environmental Services Department following a site inspection. The Dodge County Environmental Services Department shall reserve the right to request any additional proof required to make an accurate determination of the dwelling's condition.
 - II. The parcel must show the ability to accommodate a replacement dwelling, septic system and well that would respect all the setbacks required for the given Zoning District. The accommodation for a replacement septic system should be in accordance with Chapter 21 and Chapter 17.4.2.B of the Dodge County Zoning Ordinance.
 - III. The replacement of the dwelling will be possible without creating nonconformities and in accordance with any Overlay District present on site.
 - IV. An application for a Removal Permit shall be submitted on forms provided by the Environmental Services Department and in accordance with Section 18.22 of the Dodge County Ordinance.

- B. In accordance with Chapter 18, existing parcels where a removal permit was granted for dilapidated dwelling shall remain buildable as long as they respect all the criteria listed below:
 - I. The dilapidated dwelling, after issuance of the Removal Permit, shall be removed from the property within one (1) year from approval. All materials shall be properly removed from site to prevent nuisance.
 - II. The well serving the dwelling on the parcel shall be sealed or follow recommendation by MN Department of Health.
 - III. The septic system serving the dwelling on the property shall be abandoned in accordance with Chapter 21 of the Dodge County Zoning Ordinance and the applicable Minnesota Rules.
 - IV. The parcel cannot be split in order to maintain its buildability.

SECTION 17.5 BULK STORAGE (CHEMICALS AND HAZARDOUS LIQUIDS)

17.5.1 PERFORMANCE STANDARDS

All uses with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar bulk solids or liquids shall comply with all federal, state, and local requirement, including but not limited to, the requirements of the:

- A. Minnesota State Fire Marshall, and
- B. Minnesota Department of Agriculture, and
- C. Minnesota Pollution Control Agency

17.5.2 SITE INFORMATION AND PLANS

Information regarding the bulk products stored on site, as a well as a copy of the emergency management or spill prevention plan shall be provided to the Dodge County Emergency Management Director. Documentation shall also be provided which proves that the site is in compliance with the applicable standards of the above referenced agencies.

17.5.3 EXPLOSIVES AND FLAMMABLE MATERIALS

All uses involving the manufacture, storage or use of potentially explosive or flammable materials shall comply with all applicable regulations, including the Minnesota Building Code and the Minnesota Uniform Fire Code, and shall meet the following requirements:

- A. All uses involving the manufacture, storage or use of potentially explosive or flammable materials shall register with the Dodge County Emergency Management Director.
- B. All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire fighting and fire-suppression devices standard in the industry.
- C. The storage of any flammable liquid shall be subject to the requirements established under the Uniform Fire Code and review by the State Fire Marshal.
- D. Any use requiring the storage use or manufacture of products which could decompose be detonation shall be located not less than four hundred (400) feet from any residence. This section

shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.

17.5.4 CONTAINMENT

Bulk storage sites shall provide secondary containment for all storage tanks/bins on site.

SECTION 17.6 BURNING AND BURN BARRELS

17.6.1 BURNING

Open burning is regulated under Minnesota Statutes Chapter 88.171, as amended.

A. The burning or operations by burning of any of the following is prohibited:

- I. Hazardous waste;
- II. Industrial solid waste;
- III. Demolition debris;
- IV. Salvage materials;
- V. Motor vehicles;
- VI. Oils;
- VII. Rubber;
- VIII. Plastics;
- IX. Chemically-treated lumber or other materials;
- X. Garbage, as defined as discarded materials resulting from handling, processing, storage, preparation, serving or consumption, unless the provisions of Minnesota Statutes 88.171, Subd. 8 are met.
- XI. Other materials which produce excessive, or noxious smoke, such as, but not limited to: tires, railroad ties, chemically-treated lumber, composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint, or paint filters;

B. PERMIT REQUIRED

The burning of non-prohibited materials, including, but not limited to, non-treated or painted wood, branches, trees, grass and leaves, requires a permit from the Minnesota Department of Natural Resources.

17.6.2 BURN BARRELS

Burn barrels are considered an “incinerator” regulated by the Minnesota Pollution Control Agency (MPCA). Burn barrels are subject to permitting and air quality standards under MPCA administrative rules.

The use of burn barrels to burn materials listed in 17.6.1.B, for the purpose of waste disposal or salvage by fire operations is prohibited.

SECTION 17.7 DENSITY- DWELLINGS

Please refer to Primary and/or Overlay District for density provisions. Additional density may be allowed in certain townships under Section 8.5.1.C of this Ordinance.

SECTION 17.8 DRINKING WATER SUPPLY MANAGEMENT AREAS (DWSMAS)

17.8.1 PURPOSE

Drinking Water Supply Management Areas (DWSMAs) are defined by the Minnesota Department of Health as are areas that should be managed for the protection of public drinking water supplies. These standards limit or control land uses within DWSMAs for the protection of public drinking water supplies

17.8.2 DEVELOPMENT STANDARDS

Any proposed use or structure within a DWSMA shall comply with the DWSMA Plan adopted by the relevant public water supplies and shall comply with the following standard:

- A. The Department shall review all land use permit and subdivision applications with DWSMAs for potential impacts on drinking water supplies.
- B. The Department shall review the DWSMA Plan for the relevant public water supplier and upon review may impose conditions on any land use permit or subdivision within a DWSMA to prevent negative impacts on drinking water supplies. Conditions, may include, but are not limited to:
 - I. Prohibiting or limiting allowed uses
 - II. Limiting location or technology of subsurface sewage treatment systems

- III. Limiting the land application or storage of manure
 - IV. Limiting the storage or use of chemicals and other materials
 - V. Requiring specific stormwater management practices to prevent drinking water contamination
 - VI. Limiting location or technology of individual drinking water wells
 - VII. Limiting the movement, excavation and removal of soil and underground material
 - VIII. Limiting excavation
- C. The county shall forward a copy the completed application for all proposed uses, excluding single family dwelling units, residential accessory structure and agricultural accessory structures, to the drinking water supplier in whose DWSMA the applicant's parcel lies. The supplier shall review the application for compliance with DWSMA protection policies and provide comments to the Environmental Services Department. If no comments are received within the timeframe described above, the County shall assume the supplier has no objections to the application based on DWSMA protection.

SECTION 17.9 ENCROACHMENTS

17.9.1 ALLOWED ENCROACHMENTS

The following shall be permitted encroachments into setback requirements:

- A. Flues, roof overhangs, awnings, bay windows and chimneys up to three (3) feet in width;
- B. Replacement of steps, sidewalks, stoops and exposed wheelchair ramps up to four (4) feet in width; New steps, stoops and exposed wheelchair ramps shall meet all setbacks for new structures.
- C. Recreational playground equipment for private use.

SECTION 17.10 ENVIRONMENTAL HAZARDS

17.10.1 DEFINED

Environmental hazards are a threat to the general health, safety, and welfare of the citizens of the public. Environmental Hazards include the following:

- A. Unused or improperly sealed wells, cisterns, pits, tanks and similar hazards;
- B. Unapproved sites where man made articles are stored, abandoned or discarded;
- C. Discarded appliances;
- D. Inoperative or unlicensed motor vehicles, combustion engines and parts;
- E. Any manmade product that is hazardous to life forms, or that has a hazardous byproduct;
- F. Abandoned, dilapidated or burned out structures;
- G. Derelict manufactured homes.

17.10.2 ABATEMENT OF ENVIRONMENTAL HAZARDS

Land Use Permits and Final Plats shall not be approved until all known environmental hazards situated on the subject property have been abated in a manner prescribed by law.

SECTION 17.11 EROSION PREVENTION AND SEDIMENT CONTROL

17.11.1 PURPOSE

The purpose of this section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage and retention areas within the County.

An erosion and sediment control plan shall be submitted to and approved by the Department prior to construction of a new subdivision plat, commercial or industrial facility, when land disturbing or development activities are proposed on slopes of 12% or more, or when the Department determines an erosion and sediment control plan is necessary due to potential impacts of construction on the property or surrounding properties.

17.11.2 EXCLUDED ACTIVITIES

- A. AGRICULTURAL USES

- I. An agricultural use will be in compliance with this section if the following conditions exist.
 - a. The land does not have rills, gullies or other significant erosion/sediment deposits
 - b. Farming methods do not create erosion or sediment problems on adjoining properties or to water resources; and
 - c. Land in the Shoreland Overlay District meets the standards for Agricultural Use

B. WOODLAND USE & HARVEST

- I. Timber use will be in compliance with this section if the following conditions exist:
 - a. The land occupier is using an approved soil conservation plan by the Soil and Water Conservation District or USDA NRCS.
 - b. Timber harvesting methods do not create erosion or sediment problems on adjoining properties or adjacent water resources.
 - c. The removal of trees on land located within the Shoreland Overlay District is meeting the standards outlined in Chapter 14.
- II. Each person or land occupier engaged in timber harvesting shall follow the BMPs found in Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Manager and be required to follow the General Development standards for Access of this Chapter.
- III. All timber harvesting activities must not cause excessive soil erosion and shall conform to temporary and permanent soil and erosion control standards set forth in this Chapter.

C. ROUTINE MAINTENANCE

Land disturbing and/or development activity resulting from routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, provided appropriate

erosion control measures are in place.

17.11.3 GENERAL STANDARDS

All land disturbing activities, whether or not a permit is required, shall be subject to the following performance standards:

- A. No land owner, operator, contractor or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation, damages water or soil resources or creates off-site impacts.
- B. All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation.
- C. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of a development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time.
- D. Every applicant for a construction site permit, interim use permit, alteration permit, conditional use permit or subdivision approval shall, at a minimum, adhere to erosion control measure standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas"; or successor publication.
- E. Land disturbing or development activities on slopes exceeding 12% shall require and erosion and sediment control plan.
- F. Land disturbing or development activities on slopes exceeding 18% are prohibited.

17.11.4 SPECIFIC STANDARDS

- A. No land disturbing activity shall result in active gully erosion or create negative off-site impacts.
- B. No land disturbing activity shall result in an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
- C. No land disturbing activity shall result in the creation of unstable slopes which persist after the completion of the development.
- D. Permanent or temporary soil stabilization shall be applied to disturbed areas (areas where vegetation has been removed or

where cuts have been made), as soon as possible, but not to exceed fourteen (14) days after a substantial portion of rough grading has been conducted unless an extension is granted by the Director. Soil stabilization measures shall be selected to be appropriate for the time of year, site conditions and estimated duration of use.

- E. An erosion and sediment control plan, when required by the Department shall include the following:
 - I. Location Map. An 11"x17" map locating the site in relation to the surrounding area.
 - II. Indicate north. Show the direction of north in relation to the site.
 - III. Scale. Indicate scale in relation to the actual size of the site, usually in feet per inch.
 - IV. Benchmark. Show the established elevation affixed to a permanent object which can be used to check grade.
 - V. Plan preparer. Indicate the name and phone number of the individual or agency responsible for preparation of the plan.
 - VI. Contact person. Give the name and phone number of the individual responsible for plan implementation.
 - VII. Existing contours. Show existing two (2) foot contours of the site extending at least two hundred (200) feet beyond the property boundaries.
 - VIII. Final contours. Show all proposed changes to the existing contours due to land disturbance.
 - IX. Existing vegetation. Indicate existing woods, tree lines, cultivated areas, grass/hay fields, CRP, wetlands and other vegetative types.
 - X. Utilities. Show the locations of storm sewer, sanitary sewer, water supply, electrical and other utilities in the area of the proposed development.
 - XI. Location of BMP. Indicate the location of erosion and sediment control best management practices proposed for the site.
 - XII. Implementation schedule. Outline the proposed order of land clearing, road installation and other aspects of construction.

- XIII. Critical erosion areas. Identify areas susceptible to erosion during and after construction. Critical erosion areas are areas which are prone to accelerated erosion, areas which have slopes of twelve (12) percent or greater, areas of long, continuous slopes or areas which contain erosive soils.
 - XIV. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities.
 - XV. Sediment pond. Show the location of any temporary pond to be used to collect sediment during construction.
 - XVI. Adjacent areas. Describe neighboring areas which could be affected by land disturbance.
 - XVII. Temporary erosion control plan. Indicate how erosion on the site will be temporarily controlled until permanent erosion control can be implemented (seeding and mulching rates, sod installation, etc.)
- F. Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.
 - G. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
 - H. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
 - I. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt fences) and other measures intended to trap sediment onsite shall be constructed prior to or concurrent with any grading and shall be functional before upslope land disturbance takes place. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within fourteen (14) days of installation.
 - J. Storm water runoff from drainage areas with more than ten (10) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility.
 - K. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Slopes which will not be vegetated within one (1) year of construction shall be provided with additional slope stabilizing measures until the problem is corrected. Slopes that are found to be eroding excessively shall immediately be provided with additional slope stabilizing measures until the problem is corrected.

- L. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity and peak flow rate of storm water runoff.
- M. All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a ten (10) year frequency storm without eroding.
- N. Rip-rap shall be placed at culvert outfalls in accordance with applicable MnDOT standard specifications.
- O. All storm sewer inlets which are made operable during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- P. Construction vehicles and other equipment shall be kept out of watercourses to the maximum extent possible.
- Q. Wherever construction vehicle access routes intersect paved public roads, provisions, such as rock construction entrances, shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surfaces.
- R. All temporary erosion and sediment control measures shall be properly disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the Department.
- S. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended functions.

SECTION 17.12 EXTERIOR STORAGE

17.12.1 MATERIALS AND EQUIPMENT

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining property, except for the following:

- A. Laundry drying
- B. Recreational equipment
- C. Construction and landscaping materials and equipment currently being used for construction on the premises

- D. Agricultural equipment and materials, if these are used or intended for use on the premises or if located in the "A" or "X" Zoning Districts, and
- E. Off street parking, except as otherwise regulated herein.

17.12.2 BOATS AND RECREATIONAL TRAILERS

Boats and recreational trailers may be stored in the rear yard, but must be setback ten (10) feet from all property lines.

17.12.3 STORAGE OF MATERIALS IN AN INDUSTRIAL ZONED DISTRICT

- A. All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing, and testing of materials shall be within a completely enclosed building(s), or;
- B. Such activities may be conducted outdoors provided it is completely screened by a solid wall or fence that is uniformly painted and properly maintained, or a suitable substitute, and is at least eight (8) feet in height;
- C. No open storage at a greater height than that of the screening element;
- D. No storage of equipment or materials in the road or street right-of-way(s).

SECTION 17.13 FENCES

Fences may be installed and maintained in any yard along or adjacent to a property line, in accordance with the requirements contained in this section.

17.13.1 FENCE CONSTRUCTION

- A. Fences, either permanent or temporary, shall not be constructed or erected in any public right-of-way.
- B. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
- C. Fences in the Rural Residential, Urban Expansion District or other residentially zoned district shall not exceed six (6) feet in height.
- D. Fences within the required front yard shall not exceed four (4) feet

in height.

- E. Fences in the Shoreland Overlay District shall also comply with the requirements contained in Chapter 14 of this Ordinance.

17.13.2 ENCLOSURE OF OUTDOOR STORAGE AREAS.

A fence used to enclose an outdoor storage area shall meet the setback requirements for accessory buildings in the zoning district in which it is located.

17.13.3 REQUIREMENTS FOR COMMERCIAL OR INDUSTRIAL USES

Where a listed permitted, conditional or interim commercial or industrial use does not list a specific fencing requirement, screening shall consist of a fence at least eighty percent (80%) opaque that is six (6) feet in height, unless otherwise directed by the Planning Commission or County Board.

SECTION 17.14 ACCESSIBILITY CODE (ADA)

When applicable, structures shall meet the State Building Code, Minnesota Rules, Chapter 1341; or successor rules.

SECTION 17.15 KEEPING OF ANIMALS

The keeping of animals may be considered an accessory use to the uses listed within any Primary or Overlay Zoning District, provided the use does not meet the definition of a “kennel” or “feedlot” or is otherwise subject to this Ordinance due to the proposed use. Kennels and feedlots and other similar animal production operations are not allowed in all zoning districts and are subject to the specific permitting process and performance standards for the use listed in this Ordinance.

17.15.1 PERFORMANCE STANDARDS

- A. The keeping of domestic animals over three (3) months of age shall be limited to four (4) unless the site obtains a permit for operation of a “kennel”.
- B. The keeping of Regulated Animals as defined in Minnesota Statutes 346.155; or successor statutes is prohibited.
- C. Owners of Petting Zoos shall be licensed and registered by the USDA Animal and Plant Health Inspection Service as required by the Federal Animal Welfare Act Title 7 Chapter 54 §2133. Owners of Petting Zoos shall submit a Farm Animal registration to Dodge County Environmental Services and shall meet the requirements of Minnesota Rules Chapter 7020, as amended.
- D. Owners of *Farm Animals* shall submit a Farm Animal registration to the Dodge County Environmental Services Department. The registration shall be updated annually to reflect current conditions on

the site. Sites that are determined to be “feedlots” shall comply with the performance standards of this Chapter and Minnesota Rules Chapter 7020.

- E. In areas zoned Rural Residential, only one (1) animal unit per fenced acre up to a maximum of ten (10) animal units is permitted as determined by the size of the pasture and/or confinement area, not the total acreage of the property. However, the site must be managed so that feedlot conditions do not develop. All food and waste products shall be properly managed and disposed of. For Urban Expansion Residential Zones, the keeping of animals will be regulated in accordance with the adjacent city provisions.
- F. Any animals determined to be dangerous or a threat to the general health, safety and welfare of the citizens of Dodge County shall be prohibited.
- G. Excluding feedlot odor which is addressed by Chapter 16 and permit conditions, the keeping of any animals which are determined to be a “public nuisance” based upon documented complaints may be prohibited. Odor from feedlots shall be governed under the Performance Standards for Feedlots of Chapter 16 of this Ordinance and/or any county issued land use permit.
- H. Adequate housing, food, water, medical care and waste disposal shall be provided.
- I. All animals on site shall be current on vaccinations, where exposure to the public may constitute a health, safety and welfare issue.

SECTION 17.16 LIGHTING/GLARE

In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be installed so as to deflect light away from any adjacent property and/or from public streets, when applicable. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

SECTION 17.17 LOADING SPACES

17.17.1 GENERAL PROVISIONS

- A. If a fractional number is obtained, one (1) loading space shall be provided for the fraction;
- B. All required loading berths shall be off-street and shall be located on the same lot as the building or use it serves;
- C. A loading berth shall not be located less than one hundred feet

(100') from the intersection of two (2) road right-of-ways;

- D. Loading berths are prohibited from occupying any portion of the front yard setback area;
- E. All loading berths and accesses shall be improved with a durable material to control the dust and drainage;
- F. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

17.17.2 DESIGN REQUIREMENT

Loading areas shall be separate from required parking areas. All loading areas shall be sufficient to meet the requirements of the use and shall provide adequate area for parking and maneuvering on the site without impact on adjacent properties or the public right of way. Loading areas shall be reviewed by the Planning Commission and approved by the County Board.

SECTION 17.18 LOT SIZE REDUCTION

No lot area shall be reduced such that the newly created parcel or remainder parcel creates a nonconformity or other violation of this or any other county land use ordinance. Lot size reduction shall require a Certificate of Survey and may be subject to the Land Subdivision Regulations of Chapter 20 of this Ordinance.

SECTION 17.19 NUISANCES AND GENERAL HEALTH, SAFETY AND WELFARE STANDARDS

No use or structure shall be operated or occupied in any way which would constitute a hazardous condition, safety issue, or as to unreasonably interfere with the use and enjoyment of the property by any person of normal sensitivities, or otherwise to create a "public nuisance", as defined in Chapter 4 of this Ordinance.

17.19.1 AIR EMISSIONS

All uses shall comply with the standards governing air emissions and meet ambient air quality standards of Minnesota Rules, Chapter 7009, or successor as administered by the Minnesota Pollution Control Agency (MPCA).

17.19.2 WASTE

All uses shall comply with the standards governing waste as regulated by the Minnesota Pollution Control Agency (MPCA) and the *Dodge County Solid Waste Ordinance No. 1*, or successor.

17.19.3 EXPLOSIVES AND FLAMMABLE MATERIALS

All uses involving the manufacture, storage or use of explosive or flammable materials shall comply with all applicable regulations, including the Minnesota Building Code and the Minnesota Uniform Fire Code, and shall meet the following requirements:

- A. All uses involving the manufacture, storage or use of explosive or flammable materials shall register with the Dodge County Emergency Management Director.
- B. All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire fighting and fire-suppression devices standard in the industry.
- C. The manufacture, storage or use of any explosive or blasting agent, as defined by the Uniform Fire Code, or any other product which can decompose by detonation, shall be prohibited in any non-industrial zoning district.
- D. The storage of any flammable liquid shall be subject to the requirements established under the Uniform Fire Code and review by the State Fire Marshal.
- E. Any use requiring the storage use or manufacture of products which could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.

17.19.4 GLARE AND HEAT

Uses producing glare or heat shall be performed within a completely enclosed building and/or performed in such a manner as to make such glare and heat completely imperceptible from any point along the property line.

17.19.5 HAZARDOUS MATERIALS

All uses shall comply with standard governing hazardous materials as regulated by the Minnesota Pollution Control Agency (MPCA).

17.19.6 NOISE

All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency (MPCA), Minnesota Rules Chapter 7030, as amended. Nuisance noise may be mitigated by the county through permit conditions. Uses for which noise is determined to be a “public nuisance” as defined in Chapter 4 of this Ordinance shall be subject to termination of the use.

17.19.7 ODOR EMISSIONS

All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency (MPCA). Excluding uses associated with common agricultural practices and feedlots, uses which produce odors that are determined to be a “public nuisance” as defined in Chapter 4 of the Ordinance may be subject to termination of the use if suitable mitigation cannot be obtained. Odor from feedlots shall be governed under the Performance Standards for Feedlots of Chapter 16 of this Ordinance and/or any county issued land use permit.

17.19.8 MOTOR VEHICLE STORAGE

For the purposes of this section, *Motor Vehicles* include all forms of transportation, work vehicles or other equipment which (when functional) has (or should have) an engine/motor and is operated for any purpose. The storage of unlicensed and/or inoperative motor vehicles shall be subject to the following requirements:

- A. Residential Districts. In areas zoned Urban Expansion (X), Urban Expansion Residential (XR), Hamlet (H), and Rural Residential (RR), one (1) unlicensed and/or inoperable motor vehicles may be stored in the open. The number of vehicles stored in the open shall not exceed the number of licensed drivers currently living on the premises. Any licensed and operable vehicles on site that exceed the number of licensed drivers must be stored within a building or rear yard and adequately screened from view.
- B. Agricultural District. In areas zoned “A”, the storage of more than four (4) unlicensed and/or inoperable motor vehicles shall be prohibited. The number of vehicles stored in the open shall not exceed the number of licensed drivers currently living on the premises. Any licensed and operable vehicles on site that exceed the number of licensed drivers must be stored within a building or rear

yard and adequately screened from view.

- C. Commercial Storage. No storage of motor vehicles for commercial purposes, such as sale, repair or salvage shall be allowed, unless the property is zoned for such use and obtains any required Dodge County Land Use permit.

17.19.9 VIBRATION

Uses producing vibration shall be conducted in such a manner as to make the vibration completely imperceptible from any point along the property line. This standard shall not apply to vibrations created during the process of construction or to permitted quarrying operations, subject to conditions placed upon such businesses.

17.19.10 WATER POLLUTION

All uses shall comply with the standards governing water pollution and/or water quality as regulated by the Minnesota Pollution Control Agency.

17.19.11 TOXIC OR NOXIOUS MATTER

Any use which involves the use of or the manufacture of toxic or noxious substances shall not discharge such substances into the atmosphere, water, or subsoil.

SECTION 17.20 WOOD-FIRED FURNACES & APPLICANCES

17.20.1 Wood-fired furnace/appliances may be installed and used in all zoning districts provided it is able to meet all requirements of this section.

17.20.2 PERFORMANCE STANDARDS

- A. A wood-fired furnace/appliance shall be used to burn clean, unpainted and/or untreated wood or furnace pellets. The burning of materials listed in Section 17.6.1.A of this Chapter are prohibited.
- B. Outdoor wood-fired furnace/appliance and those used to heat accessory buildings shall be located at least two hundred (200) feet from the nearest dwelling which is not on the same property as the outdoor-wood fired furnace/appliance.
- C. The outdoor wood-fired furnace/appliance shall meet the setback for accessory structures of Chapter 16. An outdoor wood-fired furnace/appliance or those used to heat accessory buildings shall

only be placed in accessory structures that are conforming with all setbacks of Section 17.20.

- D. Any wood-fired furnace/appliance shall have a chimney that extends at least fifteen (15) feet above the ground surface. The height requirement may be increased if valid complaints from neighboring dwellings are received by the Department. The fire Chief may approve a lesser height on a case by case basis if necessary to comply with manufacture's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- E. All wood-fired furnace/appliance shall comply with the standards governing air emissions and meet ambient air quality standards of Minnesota Rules, Chapter 7009, or successor as administered by the Minnesota Pollution Control Agency (MPCA) and/or any other applicable state or federal law.

SECTION 17.21 PARKING

Parking areas for six (6) or fewer vehicles shall be exempt from the provisions of this Section.

17.21.1 GENERAL PROVISIONS

- A. Existing off-street parking spaces upon the effective date of this ordinance shall not be reduced in number unless the number exceeds the requirements set forth herein for a similar use;
- B. Off-street parking areas in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
- C. Parking facilities accessory to residential structures shall not be used for the storage of commercial vehicles unless specifically authorized as part of a Business Application, Home Occupation Agreement or IUP for a Limited Rural Business.
- D. Loading spaces shall not be construed as supplying off-street parking space.

17.21.2 DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS

- A. Off-street parking areas may be improved with a durable and

dustless surface, when required. Durable and dustless surface may include crushed rock, permeable pavement and similar treatment.

- B. Off-street parking areas shall be graded to direct and treat all surface water accumulation within the parking area in accordance with an approved stormwater management plan. Grading and edge treatments of parking areas shall allow storm water inflow where areas are designed as Low Impact Development storm water management features. In such cases, where adequate screening is provided from plantings, fences or walls, berming and curbs shall not be required.
- C. A parking space shall be a minimum of nine (9) feet wide and eighteen (18) feet long.
- D. In the design of parking lots, a standard of three hundred (300) square feet per parking space shall be used to compute parking total requirements.
- E. Each parking space and/or lot shall be adequately served by access drive(s). Parking lots shall provide access to public roads by and access drive that is no less than twenty-four (24) feet and no greater than thirty (30) feet in width. Access width may be reduced when approved by the appropriate road authority and local emergency services.
- F. Off street parking areas shall be screened when any of the following circumstances exist:
 - I. When a Commercial or Industrial Use off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of any existing residential use or any district zoned Rural Residential, Urban Expansion, or Urban Expansion Residential.
 - II. When any driveway to a Commercial or Industrial use off-street parking area of more than six (6) parking spaces is within fifteen (15) feet of an existing residential use or residential zoning district.
- G. Landscaped strips, including required screening under 17.21.2.F (above) shall be suitably landscaped with a mixture of shrubs, trees and ground cover, which are encouraged to incorporate xeriscaping and to function as Low Impact Development stormwater management areas.

- H. When applicable, lighting shall meet the requirements of Minnesota Rules Chapter 8885, or successor. All lighting used to illuminate off-street parking areas shall be directed away from adjoining property and right-of-ways;

17.21.3 LOCATION REQUIREMENTS

- A. Parking spaces for residential use shall be on the same lot as the principal residential dwelling;
- B. Parking spaces accessory to Commercial and Industrial uses shall be located within three hundred (300) feet of a main entrance to the principal building being served and shall be setback a minimum of twenty (20) feet from all property lines;
- C. No off-street parking space shall be located within ten (10) feet of any public road right-of-way; This edge buffer shall allow stormwater inflow and be designed as Low Impact Development storm water management features.
- D. No off-street parking area containing more than four (4) spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned for residential use. This edge buffer shall allow stormwater inflow and be designed as Low Impact Development storm water management features. Stormwater runoff which impacts adjacent properties shall be prohibited.
- E. Open parking spaces accessory to residential uses shall be located no less than ten (10) feet from the property line.

17.21.4 REQUIRED OFF-STREET PARKING SPACE

Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees, and shall be as set forth in the following table. When the calculation of the number of parking spaces required results in a fraction, the parking spaces required shall be increased to the nearest whole number.

Where a Use is not specifically listed, off-street parking requirements shall be the same as for a similar Use, as determined by the Planning Commission and County Board.

USE	NUMBER OF SPACES
CAMPGROUNDS & RV PARKS	3 spaces/1 Units or lot 2 spaces within the lot, plus 1 space in overflow parking area

CHURCHES, COMMUNITY BUILDINGS AND OTHER PLACES OF PUBLIC ASSEMBLY	1space/3 seats or for each 5 ft of pew length, based upon design maximum capacity
COMMERCIAL USES- GENERAL RETAIL AND SERVICES ESTABLISHMENTS	1 space/100 s.f. of gross floor area, plus 1 space/1000 s.f. of any outdoor sales/display area.
DAY CARE FACILITIES	1 space/2 employees
EATING AND DRINKING ESTABLISHMENTS	1 space/3 seats, based upon design maximum capacity
DRIVE-IN FOOD ESTABLISHMENTS	1 space/10 s.f. of gross floor area
GOLF COURSES	5 spaces/hole, plus 1 space/10 seats in the clubhouse
LODGING ESTABLISHMENTS	1 space/Unit, plus 1space/employee
INDUSTRIAL USES	1 space/2 employees on max shift OR 1 space/500 s.f. of gross floor area, whichever is greater
OFFICES	1space/300 s.f. of gross floor area, plus 3 spaces/each doctor or dentist
RESIDENTIAL USES	1 space/dwelling unit
SERVICE STATION AND/OR CONVIENCE STORE	1 space/service bay, plus 1 space/300 s.f. of gross floor area
AUTO SALES/REPAIR SHOPS	3 spaces/1000 s.f. of gross floor area
OPEN SALES LOT	3 spaces/5000 s.f. of lot area
USES NOT SPECIFICALLY NOTED	As determined by the Planning Commission and County Board

In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use. However, the Planning Commission may consider the joint use of a parking area where it is known that, because of a time element, the parking facilities will not be needed by more than one of the users at one time.

SECTION 17.22 SCREENING

17.22.1 PERFORMANCE STANDARDS

The following standards shall apply when screening is required by the provisions of this Ordinance:

- A. Any screening that is required in this Ordinance shall consist of earth mounds, berms or ground forms; neutral colored fences and walls; landscaping (plant materials) or landscape fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

- B. The use of screen walls shall consist of materials of similar type, quality and appearance as that of the principal structure. Such screens shall be at least six feet (6') in height and provide a minimum opaqueness of eighty percent (80%) during all seasons of the year.
- C. The use of berming or landscaping which reaches a minimum of opaqueness of eighty percent (80%) at the time of maturity during all seasons of the year. Planting screens shall consist of healthy plant materials at least six feet (6') in height at the time of planting.
- D. Screening fences and walls that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season.

SECTION 17.23 SEWAGE TREATMENT

The installation, location, operation and maintenance of sewage treatment systems shall comply with Chapter 21 of this ordinance or successor and Minnesota Rules Chapters 7080 through 7083, where applicable.

No Land Use Permit shall be issued until the provisions of Chapter 21 of this ordinance, or successor and Minnesota Rules Chapter 7080 through 7083 are complied with.

SECTION 17.24 SIGNS

When applicable, all signs shall meet the requirements of Minnesota Statutes 173 and Minnesota Rules 8810; or successors. The purpose of this Section is to regulate the placement and construction of signs for the purposes of providing information in an orderly, effective, and safe manner. Restrictions on the, design, dimensions, and location of signs help to preserve the character of the County, to protect the public from hazardous and distracting displays, and to create an attractive environment for the citizens and visitors alike which is conducive to business, industry, and recreation. It is not the purpose or intent of this Section to regulate the content displayed on any sign

No sign shall be erected, altered, reconstructed, maintained or moved into the County which does not comply with this Section.

17.24.1 ON-PREMISE SIGNS

On-premise signs are a permitted as an accessory structure to a principal use, provided all performance standards of this section are met.

17.24.2 OFF-PREMISE SIGNS (BILLBOARDS AND OTHER ADVERTISING DEVICES)

Off-premise advertising devices signs (Billboards) may be permitted as a Conditional Use in the Commercial District and are subject to the administrative process of Chapter 18, the provisions of the CUP and all performance standards for signs and Off-Premise Advertising Devices listed in this Section.

17.24.3 EXEMPTED SIGNS

The following signs are exempted:

- A. Signs for a dwelling that are less than one (1) square foot in size.
- B. Public signs, street signs, warning signs, railroad crossing signs, signs of public service companies for the purpose of public safety, or any other signs authorized by the responsible road authority or public entity.
- C. Emergency signs required by any governmental agency.
- D. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property provided that such individual signs do not exceed three (3) square feet and are utilized exclusively for purposes intended.
- E. Names of buildings, dates of erection, commemorative tablets, and the like, when carved into stone, concrete, or similar materials or made of bronze, steel, aluminum, or other permanent type of construction and made an integral part of the structure.
- F. Signs on private property denoting "Private Property", "No Trespassing", "No Hunting", or similar messages.
- G. Interior signs, provided that such signs are not flashing signs and do not interfere with any traffic control sign or signal, or otherwise pose a threat to public safety.
- H. Elections signs are governed by Minnesota State Statute 211 and subsequent amendments thereto.

17.24.4 PROHIBITED SIGNS

The following applies in all zoning districts:

- A. No sign shall be erected that is a hazard to the public health, safety, or welfare; that obstructs any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress of any building or structure; that tends to accumulate debris as a fire hazard; or that is attached to a standpipe or fire escape.
- B. No sign shall be placed in a manner which will interfere with the effective use of any electric light, power, telephone, telegraph or TV cable wires or accessory supports.
- C. No sign shall be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal, is misleading to vehicular traffic, or otherwise constitutes a traffic hazard.
- D. Private signs, other than public utility warning signs, are prohibited within public rights-of-way and easements or on any other public property.
- E. No sign shall be erected which can only be serviced and maintained from the Right of Way of any public road
- F. No private sign shall be erected that resembles any official marker erected by a government agency.
- G. Signs shall not be painted directly on the outside wall of a building/structure. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district. Signs shall not be painted on any road within the County.
- H. Signs shall not be painted on vehicles where the vehicle is parked on a property and not intended to be moved for a period of two (2) days or longer. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited. At all times, vehicles containing signs shall not be parked within the right-of-way.
- I. Signs painted, attached by adhesive, or otherwise attached directly to a building.
- J. Flashing signs, roof signs, rotating signs, revolving signs, moving signs, and signs attached to utility poles.

- K. Signs containing revolving beacons and search lights.
- L. Signs placed on private land without the consent of the owner or occupant.
- M. Signs with are structurally unsafe, are in disrepair or abandoned.

17.24.5 SIGNS LOCATED ALONG STATE AND FEDERAL HIGHWAYS

Minnesota State Statutes Chapter 173, as amended, regulating advertising signs/devices along State Highways shall take precedence in such case where they are more restrictive than the regulations of this Ordinance.

17.24.6 GENERAL PERFORMANCE STANDARDS

A. AWNING, CANOPY, AND MARQUEE SIGNS

Any sign painted, mounted, constructed, or attached in any manner, on an awning, canopy, or marquee shall meet the following requirements:

- I. Awning, canopy, and marquee signs shall not project into the public right-of- way.
- II. No part of any awning, canopy, and marquee sign shall be less than nine (9) feet above the sidewalk or the ground level.
- III. No part of any awning, canopy, or marquee sign shall exceed in height the highest point of the awning, canopy, or marquee to which it is affixed.

B. DYNAMIC DISPLAYS

- I. The images and messages displayed must be static, and the transition from one static display to another must be direct and immediate without any special effects.
- II. Each image and message displayed must be complete in itself, and may not continue on the subsequent one.
- III. Each image and message displayed must remain constant for at least twelve (12) seconds before changing to the next one.

- IV. There shall be at least a one thousand (1,000) foot distance between any two dynamic signs.
- V. Shall not be located within one thousand (1,000) feet of any residential zoning district.

C. ELECTRICAL SIGNS

All signs and displays using electric power shall be installed in accordance with the current State of Minnesota Electrical Code and shall have a cutoff switch on the outside of the sign and the outside of the building or structure to which the sign is attached.

D. ILLUMINATED SIGNS

- I. Illuminated signs shall be constructed and maintained so as not to direct light onto adjacent property, or onto public right-of-ways.
- II. Signs shall not be illuminated beyond any lot line.
- III. Lighting systems owned or controlled by any public agency, for the purpose of directing or controlling navigation, traffic, or for highway or street illumination shall be permitted.

E. PROJECTING SIGNS

- I. No projecting sign shall extend more than six (6) feet above the roof line of the building or structure to which it is affixed.
- II. No part of any projecting sign, other than structural supports, shall be less than nine (9) feet above the sidewalk or the ground level
- III. No projecting signs shall extend into the right of way of any public road.
- IV. All metal supports and braces shall be galvanized or be of corrosive resistant material.

F. PYLON SIGNS

- I. No part of any pylon sign shall project over any building or structure.

G. REQUIRED MARKING ON SIGNS

All signs shall have printed in a visible place, in letters not less than one (1) inch in height: the date of issuance, the permit number, and voltage of any electrical devices used in connection therewith. Additionally, every advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person, or firm, erecting such sign.

H. WALL SIGNS

- I. Signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws, or a method supported by a building official.
- II. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls made of wood.
- III. No wall sign shall be entirely supported by an un-braced parapet wall.
- IV. No wall sign shall extend in height above the roof line of the building to which the sign is affixed.

17.24.7 ZONING DISTRICT STANDARDS

Off-premises signs are only allowed with issuance of a CUP in the Commercial Zoning District. See Section 17.24.8 below and the performance standards of Section 16.6, titled Advertising Signs (Billboards & Other Off-Premise Advertising) for additional requirements. The following performance standards apply to on-premise signs, which are not listed as EXEMPT under Section 17.24.3.

17.24.8. PERFORMANCE STANDARDS FOR OFF-PREMISE ADVERTISING DEVICES (BILLBOARDS)

In addition to any requirements of this section, Off-premise advertising devices signs (Billboards) are permitted as a Conditional Use in the Commercial District and are subject to the performance standards for Advertising Devices (Billboards) of Chapter 16.

Community, historical or other significant area markers located within two miles of the community when placed by a governmental agency are permitted provided:

- I. The sign does not exceed three hundred (300) square feet.
- II. Written approval authorizing the sign is obtained from the Dodge County Board of Commissioners
- III. Written approval is obtained from the local road authorities on placement and location of the sign and all other performance standards for off-premise Advertising Signs

ZONING DISTRICT	NUMBER OF SURFACES	NUMBER/ PROPERTY	MAX HEIGHT (FT)	SETBACKS From Right of way	MAXSIZE (SF)
R, X, XR, H	2	1	10	10	9 s.f
A	2	1	10	10	16 s.f
C	2	1	35	10	1 s.f. for each 1' of lot frontage or 160 s.f., whichever is less
I		1	35	10	2 s.f. for each 1' of lot frontage or 240 s.f., whichever is less
CLF	2	1	35	10	9 s.f
SH SIZ	2 Prohibited	1 Prohibited	10	10	See Primary Zoning District – Must meet Shoreland Regs
FP	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

of Chapter 16 are met.

- IV. Written consent is obtained from the owner of the land on which the sign is proposed to be erected.

17.24.9. OBSOLETE SIGNS

- A. Signs which advertise an activity, business product or service which is no longer produced or conducted on the premises shall be removed within thirty (30) days from date of vacancy. The owner of the sign or property upon which sign is placed shall be responsible for the removal.
- B. If any property or business changes ownership, the sign shall be required to conform to the requirements for the new use of the property.

17.24.10 MAINTENANCE

All signs and supporting structures shall be properly maintained and kept in a safe, orderly condition. Any conforming sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the permittee, owner, or agent of the owner of the property upon which the sign is located, upon written notice by the County.

17.24.11 LEGAL NONCONFORMING SIGNS

Existing signs that do not conform to the specific provisions of this Ordinance are legal nonconforming signs and are subject to the provisions of Chapter 6 which address nonconformities.

17.24.12 SIGN REMOVAL

Any sign which is erected or maintained contrary to the provisions of this Ordinance, or for which no permit has been obtained, or which is abandoned is hereby declared to be a public nuisance and illegal. The County may enter upon the land where the sign is located and may remove and dispose of such sign after a hearing, as provided by law, and after thirty (30) days' notice to the owner and lessee, if known.

No compensation shall be paid for any sign to be removed or disposed of pursuant to this Section. If the County receives any proceeds from the sign, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner of the sign, if known. Any costs incurred by the County which are not reimbursed may be assessed against the property upon which the sign was located as a special assessment

SECTION 17.25 STEEP SLOPES

- 17.25.1 Any land disturbing and/or development activity proposed on slopes

exceeding twelve percent (12%) shall require an Erosion Prevention and Sediment Control Plan in accordance with Section 17.11 of this Chapter. The plan shall be implemented before permits are issued.

- 17.25.2 Zoning Permits applications for dwellings proposed on slopes of twelve percent (12 %) or more are required to be accompanied by an engineer's report showing adequate footings can be constructed, drainage plans address the prevention of erosion during and after construction, and grading plans have been prepared for the site.
- 17.25.3 No land disturbing or development activities shall be allowed on slopes of eighteen percent (18%) or more.
- 17.25.4 Land uses, vegetation removal, topographic alteration and other land disturbing activities on steep slopes and bluffs located within the Shoreland Overlay District are regulated under Chapter 14 of this Ordinance.

SECTION 17.26 STORMWATER MANAGEMENT

17.26.1 APPLICABILITY

A stormwater management plan shall be required and all stormwater management provisions shall apply to any of the following activities within Dodge County:

- A. Any development activity that results in the cumulative addition of one (1) acre or greater of new impervious surface to the site.
- B. Any residential, commercial, or industrial use subdivision subject to platting under Minnesota Statutes 505 and/or Chapter 20 of this Ordinance.
- C. Redevelopment of any existing parcel that currently exceeds lot coverage limits except that redevelopment of impervious area already being treated by an approved stormwater plan does not require a new plan to be implemented. A letter shall be submitted from an engineer certifying that the existing stormwater facilities are properly installed, functioning and maintained.
- D. Any other land development activity including, but not limited to, redevelopment or alteration of existing buildings and other structures that the Department determines may significantly increase downstream runoff volumes, flooding, soil erosion, water

pollution or property damage or significantly impact a lake, stream or wetland.

17.26.2 GENERAL DEVELOPMENT STANDARDS

Activities requiring the submittal of a stormwater management plan shall conform to the following standards:

- A. Developments shall use best management practices and stormwater management facilities to treat stormwater runoff generated by new or redeveloped impervious surfaces. All stormwater shall be routed to treatment facilities prior to discharge from the site. Designs using surface drainage, vegetation and infiltration shall be given preference over buried pipes, manmade materials and facilities.
- B. The applicant shall be responsible for the design, construction and maintenance of any best management practices and/or stormwater management facilities identified in the stormwater management plan.
- C. The following stormwater management practices shall be investigated in developing a stormwater management plan, in the following descending order of preference:
 - I. Natural infiltration of precipitation on-site;
 - II. Flow attenuation by use of open vegetated swales and/or natural depressions;
 - III. Stormwater detention facilities.
- D. The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the natural feature.

17.26.3 STORMWATER MANAGEMENT PLANS

Applicants shall submit a stormwater management plan to the Department which provides for treatment of all stormwater generated on site for approval. All required plans shall be drawn to an easily legible scale, shall be clearly labeled and shall be signed by its designer. A minimum scale of 1:100 shall be used, unless otherwise approved by the Department.

Stormwater management plans shall, at a minimum, include the following information:

- A. A narrative describing the proposed project, including an implementation schedule.
- B. A grading plan shall be submitted and include:
 - I. Existing and proposed property lines and lot dimensions.
 - II. Existing and proposed drainage, utility and other easements.
 - III. Existing zoning classifications for land within and abutting the development.
 - IV. Location and dimensions of existing and proposed public and private roads and structures.
 - V. All natural and artificial water features including, but not limited to, lakes, wetlands, ponds, streams (including intermittent streams) and ditches. Show the ordinary high water (OHWL) level of all watercourses, one hundred (100) year flood elevations and any delineated wetland boundaries.
 - VI. Existing vegetative cover, wooded areas and a clear boundary of any vegetation proposed for removal.
 - VII. Existing and proposed elevations shown at two (2) foot contours, extending at least two hundred (200) feet beyond the property boundaries or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.
 - VIII. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities.
- C. A drainage plan of the developed site showing the direction stormwater will be conveyed, locations where stormwater will be allowed to collect and locations of all discharge points from the property. The drainage plan shall show all drains or tile lines on the property.
- D. An Erosion and Sediment Control Plan in accordance with Section 17.11.2 of this Chapter.
- E. A landscape plan or written description of methods used to achieve final stabilization, the type of stabilization and rate of application. Stabilization methods shall be described for each major phase of construction including, but not limited to, mass grading operations and stabilization for individual lots within any development.

- F. Information shall be included which clearly identifies all elevations and grades for streets, ditches, stormwater management facilities, wetlands, lakes, pipe inverts and pipe outlets.
- G. A map showing the boundaries of each soil type, the hydrologic classification of each soil type and the estimated acreage of each soil type. The soil information shall be based on the most current version of the United States Department of Agriculture (USDA) electronic Field Office Technical Guide (eFOTG).
- H. A detailed schedule of anticipated starting date and completion date of each phase of construction and/or land disturbing activity, including the installation of erosion and sediment control measures needed to meet the requirements of Section 17.11 of this Chapter.
- I. A work and materials list for all proposed site grading, stormwater management, and erosion and sediment control related operations.
- J. An evaluation of all landlocked lakes, ponds, wetlands and stormwater facilities in the design analysis for the one hundred (100) year storm event which demonstrates that the runoff from a one hundred (100) year storm event will not impact structures and access within the development.
- K. A detailed description of existing and proposed runoff curve numbers.
- L. Stormwater management calculations shall list the new impervious area created in each sub-watershed and shall include the assumptions and calculations used for determining impervious areas, such as house pad, driveway and outbuildings

17.26.4 STORMWATER MANAGEMENT FACILITY MAINTENANCE STANDARDS

- A. All stormwater management facilities shall be inspected and maintained in perpetuity. After implementation of the approved stormwater management plan, long term inspection and maintenance responsibilities may be transferred to a separate entity such as, but not limited to, a Township after official acceptance by the Township Board, a Watershed District after official acceptance by the District Board, a legally organized homeowner's association or any entity approved by the Department.

- B. Facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound.
- C. An operations and maintenance plan shall be submitted to the Department with the stormwater management plan and include:
 - I. Name and contact information of the entity responsible for long term maintenance.
 - II. Inspection schedule.
 - III. Inspection checklist to be used and inspection protocol.
 - IV. Description of how inspections and maintenance activities will be funded.
- D. All inspection and maintenance documents shall be kept by the responsible party for a minimum of ten (10) years.
- E. It shall be the responsibility of the applicant to obtain any necessary easements to allow for access to the stormwater management facilities for inspection and/or maintenance purposes.

17.26.5 FINANCIAL GUARANTEE

Once a stormwater management plan is approved, a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of site grading and erosion/sediment control costs shall be submitted to the County. This guarantee is necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the stormwater management plan.

- A. Final plat approval or issuance of a conditional use permit shall not be granted until a financial guarantee has been submitted to the County.
- B. Release of any portion of the financial guarantee is contingent on approval from a professional engineer that as built conditions meet original design specifications and a site visit by County staff is conducted to evaluate the condition of erosion and sediment control measures.

17.26.6 DESIGN STANDARDS

Permanent stormwater detention facilities (when required) shall be designed according to the most current technology as reflected in the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas" (2000)

and the “Minnesota Stormwater Manual” (2005), as amended, and shall conform to, at a minimum, the following design standards:

- A. Calculations shall be included that clearly show the effects of the proposed development on the peak rate of discharge, the total volume of discharge, channel velocities and other potential drainage impacts both on and off the development site. All stormwater management calculations submitted to the Department for review shall include sufficient data to evaluate the changes to the stormwater drainage characteristics within the affected watershed. The Department may require the applicant to provide any additional information, calculations or data if needed for a complete review.
- B. The two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm event shall be evaluated and modeled for Stormwater Management Plans developed in accordance with Sections 17.26.1.
- C. Rainfall amounts for the design storms can be found using the *National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Point Precipitation Frequency Estimates*.
- D. New constructed stormwater outfalls to any public water or wetland must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- E. Stormwater facilities shall be designed assuming that existing drains and drain tiles no longer function, unless:
 - I. An easement is supplied for future maintenance; and
 - II. The applicant demonstrates that the drain or tile has the capacity and service condition to make it a suitable component of the stormwater management system.
- F. Where there is discharge to an existing roadway, ditch, storm sewer or other public facility, the applicant shall provide verification from the local road authority that there is no net increase in runoff volume discharged to the public facility and that the proposed activity will not degrade any critical roadway element or negatively impact its safety, maintenance or function.
- G. Specific Standards for Wet Sedimentation Basins
 - I. All wet detention basins shall be designed and constructed in accordance with the standards listed in Part III of the MPCA “General Permit Authorization to Discharge

Stormwater Associated with Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Program” and “The Minnesota Stormwater Manual”.

- II. Designs for wet detention basins shall include, but not be limited to, calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillways, basin profiles and basin cross sections.
- III. In the Industrial (I) and Commercial (C) zoning districts, skimmers shall be included on the outlet of wet detention basins. Construction details of the skimmers shall be shown on the construction plans for the wet detention basin.
- IV. Wet detention basins located in areas identified as being highly susceptible to ground water contamination, except ground water discharge areas, shall be designed so that the bottom of the basin is located at least three feet above the seasonal high ground water elevation and/or bedrock and include an impervious liner.

H. PEAK RATE OF DISCHARGE STANDARDS

- I. Peak discharge rates for all developments shall be derived using the standard methods of the *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current Hydrology Guide for Minnesota.
- II. Applicants shall provide pre-development and proposed post-development calculations for each sub-watershed within the property boundary or at the point of discharge from the property. Calculations shall show that peak discharge rates for the proposed post-development conditions do not exceed pre-development conditions at the property boundary for the modeled storm events in accordance with Section 17.26.6.B.
- III. Where pre-development calculations indicate no runoff, the infiltration standards required in Section 17.26.6.I. shall be used to demonstrate compliance with a no runoff requirement for the storm frequency and duration being considered.

I. VOLUME DISCHARGE STANDARDS

- I. Total volume discharges shall be derived using the standard methods of Natural Resources Conservation Service TR 55 or TR 20 as defined in the current Hydrology Guide for Minnesota.
- II. All stormwater management facilities shall be designed so that the volume of runoff discharged from the property after development does not exceed pre-development conditions for modeled storm events in accordance with Section 17.26.6 B.
- III. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.

J. INFILTRATION/FILTRATION STANDARDS

- I. All infiltration/filtration practices shall be designed and constructed in accordance with the standards listed in Part III of the MPCA "General Permit Authorization to Discharge Stormwater Associated with Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Program" and the "Minnesota Stormwater Manual".
- II. Stormwater management facilities, when site conditions permit, shall be designed with the capability to infiltrate one-half (1/2) inch of runoff from all newly created or redeveloped impervious surfaces within forty-eight (48) hours.
- III. Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting. Areas of permanent pools shall not be accepted as an infiltration practice.
- IV. Infiltration areas located in areas of high or very high susceptibility to groundwater contamination shall have either natural undisturbed soil or be lined with at least two (2) feet of soil with a permeability of five (5) minutes per inch or slower.
- V. Infiltration areas shall be at least three (3) feet above the seasonal high ground water elevation and/or bedrock.

SECTION 17.27 SWIMMING POOLS/SWIMMING PONDS

17.27.1 PERFORMANCE STANDARDS

When required under law, pools shall comply with Minnesota Statutes Chapter 144, or successor, and the applicable sections of Minnesota Rules, Chapters 1323, 1341, 4626 and 4715, as amended.

A. PRIVATE POOLS

A pool is considered an Accessory Structure and shall comply with the following standards:

- A. The pool shall meet setbacks for accessory structures.
- B. In-ground pools shall require a Zoning Permit.
- C. Above ground pools that meet the Zoning Permit exemption standards of Section 18.12.2 of this Ordinance do not require a Zoning Permit.
- D. Pools shall not be located within the Floodplain Overlay District.
- E. In residentially zoned areas, or other areas where pools may pose an “attractive nuisance” and potentially endanger the health, safety and welfare of the citizens of Dodge County, the pool itself or the yard around the pool may be required to be enclosed by a wall, fence or combination thereof which is at least six (6) feet in height, with a self-enclosing gate capable of being secured with a lock so as to prevent uncontrolled access. All points of access shall be made lockable.
 - I. For in-ground pools, required fencing shall be of durable material and shall be so designed as to discourage climbing. Building walls may be used to meet this requirement.
 - II. For above-ground pools, pool sides that are vertical or slanted outward may contribute to the required fencing, providing all points of access are secure.
- F. Water from pools shall not be discharged into any sewage treatment system, sewer, stormwater pond, wetland, waterway or watercourse.
- G. When allowed, earthen pools are subject to the permitting provisions for extraction.

SECTION 17.28 TRAFFIC VISIBILITY

Nothing shall be placed or allowed to grow on corner lots in such a manner as to impede vision on the intersecting roadways. A clear line of vision between two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting roadways shall be maintained from the intersection to a distance of fifty (50) feet along each roadway forming a sight triangle.

SECTION 17.29 TRASH/RECYCLING ENCLOSURES

17.29.1 PERFORMANCE STANDARDS

- A. Trash enclosures or recycling collection areas, when provided for any property other than one containing residential uses, shall be enclosed on at least three (3) sides by a neutral colored fence or other screening material that is eighty percent (80%) opaque on a year around basis to a height of at least six feet (6'). The open side of the enclosure shall not face any street or the front yard of any abutting property.
- B. Dumpsters or other containers shall be fully enclosed and located so that drainage does not reach any storm drain inlets, waters of the state and/or do not other-wise pose a potential pollution hazard.
- C. Open garbage enclosures or refuse dumps are prohibited.
- D. Trash enclosures shall be constructed and maintained in a manner that will not create a nuisance condition or provide a breeding place for flies.
- E. The bins in trash enclosures shall be constructed of nonabsorbent materials with tight fitting lids.
- F. Bins shall be emptied regularly for disposal in accordance with Dodge County Solid Waste and Recycling Ordinance

SECTION 17.30 TREES AND SHRUBS

17.30.1 SETBACK FROM ROW

Trees and shrubs adjacent to the road Right of Way may constitute a “public nuisance”, as well as a maintenance and safety issue for the road authority. Property owners in Dodge County are put on notice that if any Road Authority determines that their trees and/or shrubs constitute a safety issue due to overhanging the road or road right of way, they may be pruned or removed.

17.30.2 SETBACK FROM ADJACENT PROPERTY LINES

Disputes and complaints between private property owners regarding trees and shrub plantings are considered a “private nuisance” and are not regulated under this Ordinance.

SECTION 17.31 WELLS

The installation and location of an individual well for domestic water supply shall conform to the Minnesota Department of Health regulations.

Where appropriation exceeds ten thousand (10,000) gallons per day or one (1) million gallons per year, a water use (appropriation) permit may also be required from the Minnesota Department of Natural Resources.

SECTION 17.32 WETLANDS

17.32.1 DELEGATION OF AUTHORITY.

The jurisdictional responsibility to review and regulate activities in or affecting wetlands is held by the Board of Water and Soil Resources and Dodge County, who administer the Wetland Conservation Act of 1991, Minnesota Rules Chapter 8420, as amended.

17.32.2 PROCEDURES

Dodge County shall follow these procedures whenever a proposed project may impact a wetland.

- A. Environmental Services Department staff shall make a preliminary determination using maps, photographs, site visits and other pertinent information whether a proposed project impacts a wetland.
- B. If it is determined that a project will not impact a wetland, a permit may be issued in accordance with the procedures and regulations set forth in this ordinance. If it is determined that the project may impact a wetland, the Department shall direct the applicant to contact the Wetland Conservation Act Local Governmental Unit (WCA LGU) to undertake a more thorough wetland evaluation.
- C. No land use permits shall be issued for the proposed project unless the applicant provides one of the following:
 - I. Written statement from the WCA LGU that the proposed project does not impact a wetland; or

- II. A Certificate of Exemption from the WCA LGU stating the proposed project is an exempted activity regarding impacts on wetlands; or
- III. A Wetland Replacement Plan approved by the WCA LGU.

17.32.3 WETLAND REQUIREMENTS AND SETBACKS

No structure may be constructed, erected or moved onto any land that is determined to be a wetland by the WCA LGU.

- A. Land that is determined to be "wetland" by the Environmental Services Department or other designated WCA LGU cannot be considered in the minimum "buildable" area requirements for any parcel or subdivision.
- B. Wetland Setbacks
 - I. All structures 60 feet
 - II. SSTS 75 feet
- C. For new developments, a protective strip of natural vegetation at least thirty (30) feet in width shall be retained around all wetlands. This strip shall not be mowed, but left in a natural state.

SECTION 17.33 ENHANCED GROUNDWATER SENSITIVITY AREA (EGSA)

The Enhanced Groundwater Sensitivity Area (EGSA) and the procedures for determining buried aquifer and bedrock surface pollution sensitivity is identified in Appendix D of this Ordinance. The EGSA was created to protect drinking water aquifers in locations of greatest risk from the quick and unimpeded transport of surface contaminants to such aquifers. It focuses on these geographical areas: 1) Areas of very shallow depth-to-bedrock 2) Areas where protective layers of shale or clay between the surface and drinking water aquifer are absent or inadequate and 3) areas where underlying layers of loose soils, sand, and gravel provide rapid transit of surface pollution to the drinking water aquifers. Dodge County maintains a well database with test results showing a strong correlation between shallow wells in the EGSA, and very high nitrate readings; an indication of how sensitive these areas are to surface contamination. Use and Development of land within this area shall meet the applicable requirements of this section.

17.33.1 PURPOSE

The purpose of this section is to address uses and development activities within

the EGWSA identified in Appendix D for the purpose of protecting drinking water quality.

17.33.2 PROHIBITED USES

- A. Uses where industrial stormwater may be produced, unless a “No Exposure” certification is obtained.
- B. Uses that do not generate “normal domestic sewage”. This includes sewage discharged from plumbing fixtures, appliances and other household devices including, but not limited to toilets, bathtubs, showers, laundry facilities, dishwashing facilities and garbage disposals.
- C. Uses that involve the exterior storage or handling of uncontained solid waste, compost, feed, hazardous waste, chemicals, fertilizers, and/or petroleum-based products. When interior storage is not feasible, the above shall be located under a roof or in a leakproof container and be located on an impervious liner with secondary containment.
- D. Uses that result in the discharge of untreated leachate from storage areas of any regulated water or by-product onto the ground in the EGWSA are prohibited.
- E. Uses that result in a direct connection to groundwater where an impervious liner cannot be installed or is not feasible for the proposed use.

17.33.3 PERFORMANCE STANDARDS

A. SEWAGE TREATMENT

- I. All sewage treatment systems must employ pressure distribution.

B. PONDS (RECREATIONAL & STORMWATER BMPS)

- I. A professional geotechnical engineer shall investigate and recommend the depth of unconsolidated material between the bottom of the pond and the surface of the bedrock. A minimum of 3 feet of unconsolidated soil material is the minimum separation; however, an expert may recommend 10 feet or greater.
- II. Ponds or other water containment structures must be lined

with a properly engineered synthetic liner. It is highly recommended that a professional geotechnical engineer investigates and recommend the depth of unconsolidated material between the bottom of the pond and the surface of the bedrock.

- III. Ponds should be fairly uniform and limited to no more than 10 feet in depth.
- IV. Centralized Stormwater Best Management Practices (stormwater ponds) that treat runoff from a contributing drainage area greater than 20,000 square feet, and/or has a surface ponding depth greater than 3 feet shall be prohibited in the EGWSA. In these instances, multiple small BMPs (ponds/structures) must be installed instead of a single centralized system.

C. AGRICULTURAL OPERATIONS

- I. Comply with the Minnesota Department of Agriculture's Nitrogen Management Plan and the Groundwater Protection Rule, Minnesota Statutes 103H. Implement Best Management Practices (BMPs) and Alternative Management Tools (AMTs) as appropriate for the situation.

D. FEEDLOTS

- I. Feedlots and manure application shall comply with the Minnesota Pollution Control Agency's Feedlot Rules (Minnesota Rules Chapter 7020, as amended).
- II. The burial of animals as a form of carcass disposal shall be prohibited. Any composting shall take place on an impervious pad with leak containment and leachate treatment.

E. WELLS

- I. Unused wells shall be properly sealed in accordance with Minnesota Department of Health requirements.

F. WETLANDS

- I. Wetlands along the Decorah Edge may not be impacted by fill or drainage.

CHAPTER 18: ADMINISTRATION

SECTION 18.1 AUTHORITY FOR ADMINISTRATION

This Ordinance shall be administered pursuant to Minnesota Statutes, Chapter 394; or successor statutes.

SECTION 18.2 ZONING ADMINISTRATOR

The Zoning Administrator shall administer the provisions of the Dodge County Zoning Ordinance.

18.2.1 POWERS AND DUTIES

The Zoning Administrator shall have the following powers and duties and may delegate them to Department staff as necessary:

- A. To receive and review applications for permits and issue permits if such permit applications are in full compliance with the provisions of this Ordinance.
- B. To receive and review applications for action by Board of Adjustment, Planning Commission and County Board and to provide additional information, recommendations, data, and testimony as may be necessary for action to be taken.
- C. To conduct compliance and other inspections. If violations of this Ordinance are discovered, the Zoning Administrator shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance.
- D. To administer and enforce the Ordinance and the provisions of any permits issued thereunder.
- E. To maintain records of all actions taken pursuant to the provision of this Ordinance.
- F. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.
- G. Act as an advisor to the appropriate boards and committees as determined by the County Board.

SECTION 18.3 BOARD OF ADJUSTMENT (BOA)

The Dodge County Board of Adjustment, as established in the Dodge County Zoning Ordinance, is vested with the authority as is provided for in this Chapter and by Minnesota Statutes, Chapter 394.27, as amended.

18.3.1 MEMBERSHIP AND TERMS

- A. All members of the BOA shall be appointed by the Chair of the County Board and ratified by the County Board. No elected officer of the County, nor any employee of the Board of Commissioners shall serve as a member of the BOA.
- B. The BOA shall consist of five (5) members, one (1) of which must be from the unincorporated area of the County. One (1) member of the Dodge County Planning Commission shall serve on the BOA.
- C. The term of each member shall be for three (3) years. Appointments shall be made so that no more than two (2) terms nor fewer than one (1) term is filled at the beginning of each calendar year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be eligible for reappointment.
- D. The term of each member shall begin on January 1st and continue through December 31st of the last year of member's term until a successor is appointed.
- E. In the event a vacancy occurs as a result of death, incapacity, resignation or removal of any member of the BOA, a new member shall be appointed as above provided, but only for the unexpired term of his/her predecessor.
- F. The BOA shall elect a Chair and a Vice Chair from among its members. The Zoning Administrator or other designated Environmental Services staff shall act as Secretary of the BOA.
- G. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a BOA member from voting thereon shall be decided by a majority vote of all regular BOA members except the member who is being challenged. All BOA members shall complete the *Dodge County Conflict of Interest Statement* on an annual basis.
- H. The BOA may call for the removal of any member for nonperformance of duty or misconduct in office. If a member has two (2) consecutive

unexcused absences in any one (1) year, the Secretary shall certify this fact to the BOA, and the BOA shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.

- I. The members of the BOA may be paid compensation in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the BOA and in the conduct of the business of the BOA.
- J. The meetings of the BOA shall be held at the call of its Chair and at such other times as the BOA in its rules of procedure may specify.

18.3.2 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties with regard to this Ordinance. The BOA shall:

- A. Adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations.
- B. Consider all applications for a variance from the requirements of the Dodge County Zoning Ordinance. The BOA shall have the exclusive power to order the issuance of a variance in accordance with Section 18.11 of this Chapter.
- C. Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative officer charged with enforcement of the Dodge County Zoning Ordinance in accordance with Section 18.8 of this Chapter.
- D. Order the issuance of permits for buildings in areas designated for future public use on an official map.
- E. Provide interpretation of district boundaries on the Official Zoning Maps when necessary.
- F. Perform other such duties as required by this Ordinance.

SECTION 18.4 PLANNING COMMISSION

The Dodge County Planning Commission, as established in the Dodge County Zoning Ordinance, is vested with the authority as is provided for in this Chapter and by Minnesota Statutes, Chapter 394.30, as amended.

18.4.1 MEMBERSHIP AND TERMS

- A. The Planning Commission shall consist of seven (7) members appointed by the Chair of the County Board and ratified by the County Board. Of the seven (7) members, at least two (2) members shall be residents of the unincorporated area of Dodge County. The Planning Commission shall consist of one (1) member from the following regions:
 - I. Milton and Mantorville Townships;
 - II. Canisteo and Ashland Townships;
 - III. Hayfield and Vernon Townships;
 - IV. Ripley and Westfield Townships;
 - V. Ellington and Claremont Townships;
 - VI. Wasioja and Concord Townships;
 - VII. "At-large"
- B. LIMITATIONS ON MEMBERSHIP
 - I. No more than one (1) voting member of the Planning Commission shall be an officer or employee of the County.
 - II. No voting member of the Planning Commission shall have received, during the two (2) years prior to appointment, any substantial portion of income from a business operation involving the development of land within the County for urban or urban related purposes.
- C. The term of each member shall be for three (3) years. Appointments shall be made so that no more than three (3) nor fewer than one (1) term is filled at the beginning of each calendar year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be eligible for reappointment.
- D. The term of each member shall begin on January 1st and continue through December 31st of the last year of member's term until a successor is appointed.

Dodge County Zoning Ordinance

- E. Should any vacancy occur among the members of the Planning Commission by reason of death, resignation, and disability or otherwise, the Planning Commission immediately shall notify the County Board. The Chair of the County Board shall appoint a replacement, to be ratified by the County Board, to serve the unexpired term of the region of the County in which the vacancy occurs.
- F. The Planning Commission shall elect a Chair and Vice Chair from among its members. The Zoning Administrator or other designated Environmental Services staff shall act as Secretary of the Planning Commission.
- G. The Planning Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has three (3) consecutive unexcused absences in any one (1) year, the Secretary shall certify this fact to the Planning Commission and the Planning Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member has resigned.
- H. The members of the Planning Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission.
- I. The regular meetings of the Planning Commission shall be held each month at the Government Services Building. In the event there is nothing pending for review, the meeting shall be canceled. A quorum, consisting of at least four (4) members of the Planning Commission, may at any regular meeting, substitute another day for the regular meeting of the following month and notice shall be given in the manner provided for notice of special meetings.

18.4.2 POWERS AND DUTIES

The Planning Commission shall have the following powers and duties with regard to this Ordinance. The Planning Commission shall:

- A. Adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendations
- B. Collaborate with the Zoning Administrator and other employees of the County in preparing and recommending to the County Board for adoption a Comprehensive Plan, official controls, and other measures required for

the County to execute the plan and any amendments thereto.

- C. Provide assistance to the County Board and Zoning Administrator in the administration of this ordinance and shall review, hold public hearings, and make recommendations to the County Board on all applications for Zoning Amendments, Conditional Use Permits, Interim Use Permit, and Subdivision proposals using the criteria listed in this Chapter.
- D. Perform other duties as assigned by the Dodge County Board of Commissioners.

SECTION 18.5 OTHER COMMITTEES & ADVISORY BOARDS

The County Board may at any time, create or convene other advisory boards or committees deemed necessary or desirable to assist in administration of the Ordinance. The membership, powers and duties of these will be relative to and representative of the purpose for which they are created.

In addition, field interpretations and/or decisions made on applications for structures or proposed uses may be subject to the Boards or Committees created under different programs.

SECTION 18.6 ENVIRONMENTAL REVIEW

Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.

18.6.1 ADOPTION BY REFERENCE

Pursuant to Minnesota Statutes 394.25 Subd. 8, as amended, the County Board adopts by reference Minnesota Rules, Chapter 4410, Environmental Review, as amended, and the terms used in Minnesota Statutes 116 D, as amended, State Environmental Policy. Provisions of these rules and terms shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

18.6.2 ADMINISTRATION

- A. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed. Any submitted permit application

regarding a project for which environmental review is required will be returned to the applicant as incomplete.

- B. No work shall commence and all work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.
- C. The Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which environmental review is mandatory under Minnesota Rules, part 4410.1000, as amended. The Zoning Administrator shall also determine those proposed actions for which a discretionary Environmental Assessment Worksheet (EAW) may be required under the provisions of this Ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
- D. Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) for which the County is the Responsible Governing Unit (RGU), shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission and reviewed and approved by the County Board.
- E. When reviewing an EAW or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations which would lessen the environmental impact of the action. The County Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
- F. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds under Minnesota Rules, part 4410.1700, as amended, that an action is major and has potential for significant environmental effects.

18.6.3 DISCRETIONARY EAW

The County Board may require that a discretionary EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

18.6.4 COST OF PREPARATION AND REVIEW & REQUIRED INFORMATION

- A. INFORMATION TO BE PROVIDED - The applicant for a permit for any action for which environmental documents are required, either by state law or rules or by the County Board, shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably requested by the county that the applicant has in his/her possession or to which he/she has reasonable access.
- B. EAW- The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules or by the County Board shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the Zoning Administrator shall prepare a draft EAW and supply all information necessary to complete that document.
- C. EIS - The County and the applicant for a permit for any action for which an Environmental Impact Statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements in Minnesota Rules, Chapter 4410.6100, or successor.
- D. PAYMENT OF COST - No permit for any action for which an EAW or an EIS is required shall be accepted as complete or be issued until:
 - I. All costs of preparation and review which are to be paid by the applicant are paid;
 - II. All information required is supplied;
 - III. The environmental review process has been completed as provided in this Ordinance and the rules adopted by reference by this Ordinance, and
 - IV. The terms of any written agreement entered into by the applicant for the permit or permits and the County Board have been satisfied.

SECTION 18.7 PUBLIC HEARINGS

18.7.1 PUBLIC HEARING REQUIRED

Upon receipt of the proper and complete applications for the requests describe in this Chapter, the appropriate Board or Commission shall hold a public hearing in a location to be prescribed. A public hearing is required for:

Dodge County Zoning Ordinance

- A. The adoption by Ordinance of any comprehensive plan or amendments thereto;
- B. A request for an Amendment to the text of Dodge County Zoning Ordinance, unless such amendment is for the purpose of correcting typographical errors;
- C. A request for an Amendment to the district boundaries of the Dodge County Official Zoning Map, unless otherwise provided for under ordinance provisions;
- D. A Conditional Use Permit or Interim Use Permit;
- E. A Variance request;
- F. An Appeal from a decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance;
- G. Major Subdivision proposals.

18.7.2 WRITTEN NOTICE OF PUBLIC HEARING

For the purpose of giving mailed notice, the current records on file in the Office of the County Assessor shall be deemed sufficient. The failure of any property owner to receive written notice or any defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made. Property owners shall not include recorded Contract for Deed Vendors.

A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

- A. PERMIT HEARING NOTICE - Written notice of a public hearing regarding the application for a Conditional Use Permit, or Interim Use Permit, shall be sent to:
 - I. Adjacent property owners
 - 1. FOR FEEDLOTS (500 AU OR MORE) – The greater of, all property owners within five thousand (5,000) feet of the proposed property, or;

The ten (10) properties nearest the affected property.

Dodge County Zoning Ordinance

2. FOR AGGREGATE MINING AND QUARRY OPERATIONS
– The greater of, all property owners within one-half (1/2) mile of the affected property, or;

The ten (10) properties nearest the affected property.
 3. FOR ALL OTHER PERMIT REQUESTS, the greater of, all property owners within one-quarter (1/4) mile of the affected property, or

The ten (10) properties nearest the affected property.
- II. The Township Board of the affected property
 - III. All municipalities within two miles of affected property
 - IV. The Dodge County Soil and Water Conservation District (SWCD)
 - V. The Minnesota Department of Natural Resources (DNR)
- B. VARIANCE REQUEST - Written notice of a public hearing regarding a variance request shall be sent to:
- I. The greater of, all property owners within five hundred (500) feet of the affected property, or;

The ten (10) properties nearest the affected property.
 - II. The Township Board of the affected property
 - III. All municipalities within two miles of affected property
 - IV. The Dodge County Soil and Water Conservation District (SWCD)
 - V. The Minnesota Department of Natural Resources (DNR)
- C. APPEAL REQUEST – Written notice of a public hearing regarding an appeal request shall be sent to:
- I. The Commissioner of the Department of Natural Resources if the subject of the appeal relates to the Floodplain or Shoreland Overlay Districts.
 - II. The appellant.

Dodge County Zoning Ordinance

- III. The affected commission or board member.
- IV. The affected administrative officer.
- D. **ADOPTION AND TEXT AMENDMENTS TO ORDINANCE OR COMPREHENSIVE PLAN-** Written notice of the public hearing on text amendment shall be sent to:
 - I. All Townships
 - II. All municipalities
 - III. For amendments proposed to the text of Shoreland Overlay District regulations, the Minnesota Department of Natural Resources.
 - IV. For amendments proposed to the text of the Floodplain Overlay District regulations, the Minnesota Department of Natural Resources
 - V. For amendments proposed to text of the Ordinance which addresses Feedlots, the Minnesota Pollution Control Agency.
- E. **REZONING REQUEST (DISTRICT BOUNDARY AMENDMENT)** – Unless provided for under other ordinance provisions, rezoning request shall be sent to:
 - I. All Townships
 - II. All municipalities
 - III. In unincorporated areas, the greater of, all property owners within one-half (1/2) mile of the property proposed for rezoning, or;

The ten (10) properties nearest the area or property proposed for rezoning.
 - IV. The Dodge County Soil and Water Conservation District (SWCD)
 - V. The Minnesota Department of Natural Resources (DNR)
- F. **SUBDIVISION PROPOSAL**
 - I. The greater of, all property owners within one-quarter (1/4) mile of

the affected property, or the ten (10) properties nearest the affected property.

- II. The Township Board of the affected property
- III. All municipalities within two miles of affected property
- IV. The Dodge County Soil and Water Conservation District (SWCD)
- V. The Minnesota Department of Natural Resources (DNR)

18.7.3 PUBLICATION

- A. PUBLICATION OF NOTICE - Proof of the publication of notice for public hearings shall be included in files located in the Environmental Services Department. For any enacted ordinance or amendment thereto, proof of publication of notice shall be filed with the ordinance and in the office of the County Finance Director (Auditor). Notice of the time, place, and purpose of any public hearing or notice of intention to enact any ordinance or amendment shall be given by publication in the official county newspaper at least ten (10) days before the public hearing.
- B. PUBLICATION CONTENT FOR ORDINANCE OR AMENDMENT - Every ordinance or amendment enacted shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publications shall be made in the official newspaper of the county, but additional publications may be ordered. An ordinance may be published in it's entirely or otherwise as provided in this section.

Lengthy ordinances, amendments, or an ordinance which includes charts or maps need not be published in entirety, provided the following information is included:

- I. The title of the ordinance
- II. A summary of the ordinance conforming to Minnesota Statutes 331A.01, Subd. 10, or successor.
- III. A statement indicating that the published material is only a summary that that the full text is available for review by any person during regular office hours at the office of the County Finance Director (Auditor) and in Environmental Services Department.

18.7.4 RESPONSIBLE BOARD OR COMMISSION

Public hearings regarding:

- A. The adoption by Ordinance of any comprehensive plan or amendments thereto shall be held by the Planning Commission.
- B. Amendments to the text of Dodge County Zoning Ordinance shall be held by the Planning Commission.
- C. Amendments to the district boundaries of the Dodge County Official Zoning Maps shall be held by the Planning Commission, unless otherwise provided for under ordinance provisions.
- D. A Conditional Use Permit or Interim Use Permit shall be held by the Planning Commission.
- E. A Variance request from any provision of this Ordinance shall be held by the Board of Adjustment
- F. An Appeal from a decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance shall be held by the Board of Adjustment.
- G. Major Subdivision proposals shall be held by the Planning Commission.

18.7.5 CONTINUED AND ADDITIONAL HEARINGS

Public hearings may be continued from time to time and additional hearings may be held.

SECTION 18.8 APPEALS

The Board of Adjustment shall have the exclusive power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance. Such appeal may be initiated by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state in accordance with the following procedure. An appeal must be made within thirty (30) days of an order, requirement, decision or determination made by any administrative officer in the interpretation or enforcement of this Ordinance.

Dodge County Zoning Ordinance

18.8.1 APPLICATION.

- A. The appellant shall submit a request to the Zoning Administrator which contains the following information:
 - I. Name and address of the appellant.
 - II. The specific order, requirement, decision or determination on which the appeal is based.
 - III. The grounds for the appeal stating how the administrative officer erred in his/her action, determination or decision.
 - IV. The relief requested by the appellant.
 - V. Applicant's signature.
 - VI. Any other information or exhibits as required by the Board of Adjustment necessary to make findings and determinations on the appeal.
- B. If the written request does not contain all required information, the application shall be returned within ten (10) business days of receipt of the request, identify what information is missing. The Time Deadline for Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- C. A complete appeal request shall be filed with the Zoning Administrator accompanied by the fee as set by the County Board.

18.8.2 APPEAL PROCESSING

- A. Upon receipt of the complete appeal request, the Zoning Administrator shall forward a copy of the request and any supporting documentation to the BOA members prior to hearing.
- B. The appeal shall be placed on the agenda for a public hearing before the BOA at their next meeting.
- C. The Zoning Administrator shall give proper notice of the public hearing in accordance with Section 18.7.2.C and 18.7.3 of this Chapter.

18.8.3 PUBLIC HEARING

- A. The BOA shall hold at least one (1) public hearing on the appeal.

Dodge County Zoning Ordinance

- B. The applicant or his/her representative shall appear before the BOA to answer questions concerning the appeal.
- C. An accurate record of all testimony shall be kept by the Secretary of the BOA. This record shall contain the names of all persons testifying or otherwise participating at the hearing.

18.8.4 FINDINGS

- A. The BOA shall not grant an appeal unless it finds the following facts illustrating that the ruling appealed from is clearly erroneous as determined by:
 - I. The ruling was based upon a grave misapprehension of the relevant facts.
 - II. The ruling resulted from a clearly improper application of the terms of this Ordinance to the relevant facts.
 - III. The ruling was an abuse of the discretionary authority of the officials issuing it or was a result of bad faith on the part of those officials.
- B. The burden of showing the erroneousness of the ruling shall be on the appellant with all doubts resolved in favor of upholding the administrative officer's ruling.

18.8.5 DECISION

- A. The BOA shall make a decision upon the appeal within sixty (60) days of the acceptance of a complete request.
 - I. Failure of a decision within the timeline is approval of the request.
 - II. Timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

Dodge County Zoning Ordinance

- B. The concurring vote of a majority of the BOA members shall be necessary for the approval or denial of an application for appeal.
- C. The BOA 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 who the appeal was taken and may direct the issuance of a permit.
- D. The BOA shall make written findings in each case and state the reasons for its decisions.
- E. The decision shall be filed with the Zoning Administrator who shall:
 - I. Issue the permit if directed to by the BOA.
 - II. File a certified copy of the order with the County Recorder for record. The order shall contain a legal description of the property involved, if applicable.
 - III. Forward written notice of the BOA's decision to the appellant and other affected persons.
 - IV. Forward copies of all decisions on appeals affecting the Floodplain and Shoreland Area to the Commissioner of the Department of Natural Resources within ten (10) days of such action.

18.8.6 APPEALS FROM THE BOA DECISION

- A. All decisions of the BOA in hearing appeals as provided by this Ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal the decision to the District Court on questions of law and fact. Said appeal shall be made within thirty (30) days after receipt of notice of the decision.
- B. An applicant may appeal the decision of the BOA when new information is obtained which is relevant to the issue. An application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the BOA if it is determined, from the record, that there has not been substantial change in facts, evidence or conditions.

18.8.7 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the BOA 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.

18.8.8 FEES.

- A. To defray administrative costs of processing applications of appeals, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Board of Adjustment and County Board in its decision-making.

18.8.9 APPEALS FROM FEES

Appeals from fees established by the County Board shall be reviewed by the County Board.

SECTION 18.9 AMENDMENTS

18.9.1 AUTHORITY

The Dodge County Board may adopt amendments to the text of this Ordinance, the Official Zoning Maps, and the Flood Insurance Rate Map for Dodge County. In addition, amendments may be adopted to reflect changes in the goals and policies of the County Comprehensive Plan. Any change in this Ordinance or to any zoning map shall be in compliance with the County Comprehensive Plan and in accordance with the applicable provisions of Minnesota Statutes Chapter 394, or successor

18.9.2 PROCEDURE

- A. An amendment to the text of this Ordinance may be initiated by the Board, the Planning Commission or by application of any property owner. Amendments may also be proposed by staff when necessary to comply with new or amended legislation affecting land use provisions.
- B. An amendment to the Official Zoning Maps (Rezoning) may be initiated by the Board, the Planning Commission or by application of the affected property owner.

Dodge County Zoning Ordinance

- C. Property owners initiating an amendment to the Zoning Ordinance shall submit the request to the Zoning Administrator along with a fee, which shall be set by the County Board.
- D. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for their review and recommendation.

18.9.3 TEXT AMENDMENTS

- A. APPLICATION FOR A TEXT AMENDMENT - An application for a zoning amendment shall be submitted on forms provided by the Environmental Services Department.
- B. OVERLAY DISTRICT PROVISIONS - TEXT CHANGES TO SHORELAND AND FLOODPLAIN DISTRICT - All proposed text amendments to the Floodplain and Shoreland Overlay District regulations must be submitted to and approved by the Commissioner of the Department of Natural Resources prior to adoption.

18.9.4 REZONING

- A. APPLICATION FOR CHANGE IN DISTRICT BOUNDARY - An application for a change to primary zoning district boundary (Rezoning) shall be submitted on forms provided by the Environmental Services Department.
- B. LANDS ELIGIBLE FOR REZONING CONSIDERATION- The boundary of any lands proposed to be rezoned shall not be within or adjacent to wildlife management areas/refuges, permanent conservation easements, Conservation Corridors, scenic areas, cemeteries, historical sites, or rural parkland.

The boundary of any area proposed to be rezoned to Urban Expansion Residential or Rural Residential shall be located at a minimum of 1000 feet or more from a feedlot of 30 or more animal units.

Rezoning applications will only be accepted on parcels:

- I. Located in an Urban Expansion Zoning District when consistent with the adjacent city's planned future growth areas. To promote smart growth and expansion of the adjacent city and prevent scattered development in the more rural portion of the Urban Expansion District, "Spot" zoning of parcels that do not share a

boundary with the adjacent city or expand off of an existing zoning district with the same designation will not be eligible until the time this smart growth criteria is met. These include land that is currently annexed and planned annexation areas. Prior to submittal of a rezoning application in the Urban Expansion Zoning District, the applicant shall discuss with the adjacent city on whether annexation to the city is feasible. When feasible, the property shall be annexed rather than rezoned.

- II. Adjacent to and building off of an existing Commercial or Industrial zoned property, or
- III. Adjacent to an existing Rural Residential District and meeting the “Rural Residential Characteristics” in accordance with Exhibit G of this Ordinance.

C. REZONING CRITERIA

Rezoning requests shall only be approved if they are protective of general health, safety and welfare and there is a rational basis for the rezoning, supported by the Findings of Fact.

Rezoning requests recommended for approval shall meet the following criteria:

- I. The rezoning request must be consistent with the Dodge County Comprehensive Land Use Plan, the adjacent city’s comprehensive land use plan, plans for future uses in the area and applicable future land use maps.
- II. When rezoning is proposed within the Urban Expansion District, the City shall provide a written recommendation on the rezoning request which indicates:
 - a. Whether the request does or could comply with the City’s Comprehensive Land Use Plan and any Future Land Use Maps, and
 - b. The proposed end use of the rezoned parcel would be conforming upon annexation to the city;
 - c. Annexation to the city is not possible or feasible at the current time.

- III. The Township shall provide a written recommendation on the proposed rezoning supported by any township issues and/or concerns on the request.
- IV. The rezoning request would not place a burden on public facilities or services as determined by the local government agency operating the public facilities or providing the services.
- V. The rezoning request would be compatible with nearby land uses.
- VI. The rezoning request would not be predicted to result in negative impacts to surrounding property values as determined by the County Assessor.
- VII. There is adequate water supply and sewage treatment to serve the uses that would be allowed in the proposed zoning district.

18.9.5 PUBLIC HEARING PROCEDURE

Before the enactment of any ordinance amending the text of this Ordinance or any zoning map, a public hearing shall be held in the manner provided in Minnesota Statutes Sections 394.26 and 375.51; or successor statutes and Section 18.7 of this chapter.

18.9.6 FEES

- A. All applications for a zoning district boundary change or text amendment to this Ordinance shall be accompanied by a fee set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

18.9.7 RESUBMITTALS AFTER DENIAL OF REZONING REQUEST

No application for a change in zoning district boundary on the same parcel of land and for the same zoning district shall be resubmitted for a period of twelve (12) months from the date of the decision on the previous application unless:

- A. Growth boundaries for the applicable township have been established or modified to include said parcel of land;
- B. An adjoining parcel of land has been rezoned during the twelve (12) months since the initial application; or

- C. In the opinion of the Environmental Services Department, the request is substantially changed from the original request.

18.9.8 NOTICE AND CERTIFICATION OF FINAL ACTION IN OVERLAY DISTRICTS

- A. SHORELAND OVERLAY DISTRICT - In instances where an Ordinance amends the Shoreland Overlay District standards, a copy of the approved Ordinance shall be sent to the Department of Natural Resources and postmarked within ten (10) days of final action.
- B. FLOODPLAIN OVERLAY DISTRICT - In instances where an Ordinance amends the Floodplain Overlay District standards, certification of final action by the County Board shall be in accordance with *Minnesota Statutes, section 103F.121; or successor statutes.*

18.9.9 RECORDING

Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as a part thereof, the County Finance Director (Auditor) shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

18.9.10 EFFECTIVE DATE

The amended Ordinance and maps shall become effective after adoption by the County Board and due publication thereof.

SECTION 18.10 GENERAL PROVISIONS FOR ALL LAND USE PERMITS AND APPROVALS

18.10.1 CONSTRUCTION

No structure shall be erected, moved or altered unless in conformity with the standards set forth in this Ordinance,

18.10.2 USE

No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with the standards set forth in this Ordinance.

18.10.3 COMPLIANCE WITH APPROVED PLANS

Construction and use shall be in accordance with the application, plans, permit, and any applicable variance. Permits, conditional use permits, interim use permits, and other permits or approvals issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance.

SECTION 18.11 VARIANCE

A Variance from the provisions and requirements of this Ordinance may be authorized by the Board of Adjustment in specific cases where the criteria set forth herein have been met. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

Any person, firm, corporation or any other organization or entity having an interest in real property which is subject to the provisions of this Ordinance may apply for a variance from these provisions.

18.11.1 APPLICATION

- A. An application for a variance shall be submitted on forms provided by the Environmental Services Department.
- B. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the County Board.

18.11.2 APPLICATION PROCESSING

- A. The Board of Adjustment and appropriate County staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant in order to establish performance conditions in relation to pertinent sections of this Ordinance
- B. Upon receipt of the application, the Zoning Administrator shall review the application and supporting documentation. If the application is incomplete or does not provide sufficient information for the BOA to make a determination, it shall be returned to the applicant within fifteen (15) days

with a written request for additional information. The Time Deadline for Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.

- C. Complete applications shall be forwarded to the BOA members prior to hearing.
- D. The Variance request shall be placed on the agenda for a public hearing before the BOA at their next meeting.
- E. Proper notice of hearing in accordance with Section 18.7.2.B and 18.7.3 of this Chapter shall be given.

18.11.3 PUBLIC HEARING

- A. The BOA shall view the property being considered for the variance request prior to the public hearing.
- B. The BOA shall hold at least one (1) public hearing on the proposed variance.
- C. The applicant or his/her representative shall appear before the BOA to answer questions concerning the variance application.
- D. The applicant for a variance, which in the opinion of the BOA may result in a material adverse effect on the environment, may be requested by the BOA to demonstrate the nature and extent of such effects.
- E. An accurate record of all testimony shall be kept by the Secretary of the BOA. This record shall contain the names of all persons testifying or otherwise participating at the hearing.

18.11.4 FINDINGS FOR A VARIANCE

- A. 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. FLOODPLAIN VARIANCE REQUESTS. No variance shall be granted within the Floodplain Overlay District that would permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

Dodge County Zoning Ordinance

The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- I. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- II. Variances shall 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.
- C. For variances requests within the Shoreland Overlay District where the existing sewage treatment system has been determined to be non-compliant, the variance, if issued, must require reconstruction or repair of the system to bring it into compliance with Chapter 21 of the Dodge County Zoning Ordinance, or successor.
- D. No variance from the provisions or requirements of this Ordinance shall be authorized by the BOA unless it finds evidence that in its opinion all of the following facts and conditions exist, if applicable.
 - I. The use is permitted in the given zoning district.
 - II. The variance is in harmony with the general purposes and intent of this Ordinance and is consistent with the County Comprehensive Land Use Plan and the Official Zoning Maps.
 - III. The applicant must establish that there are “practical difficulties” in the strict application of the provisions of this Ordinance. “Practical difficulties” as used in connection with granting of a variance means:
 1. The property owner proposes to use the property in a “*reasonable manner*” not permitted by the Ordinance. For the purposes of this provision “*reasonable manner*” means

“in a way that any person with an ordinary degree of reason, prudence, care, foresight, or intelligence would not object to.”

2. The plight of the landowner is due to “circumstances unique to the property not created by the landowner”. For the purposes of this provision, “*circumstances unique to the property*” includes physical land site constraints that are:
 - a. distinctive and specific to the property, and
 - b. limits the feasibility of reasonable alternatives, and as a result
 - c. necessitates the need for the variance request.

Actions undertaken by previous or current landowners which were or are in violation of the regulations in place at the time of the action, and necessitated the need for the variance requests are considered to be “*created by the landowner*”.

3. The variance, if granted, will not alter the essential character of the locality.
 4. “Practical difficulties” include inadequate access to direct sunlight for solar energy systems.
- IV. Economic considerations alone do not constitute “practical difficulties”.
 - V. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes section 216C.06, Subd. 14, as amended, when in harmony with the official controls.
- E. For After-The-Fact Area variance requests, the BOA should also consider the following when deciding whether the variance should be granted:
- I. Did the applicant act in good faith?
 - II. Did the applicant attempt to comply with the law by obtaining the proper permits?

- III. Did the applicant obtain a permit from another entity that violated the law?
- IV. Did the applicant make a substantial investment in the property?
- V. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety?
- VI. Are there other similar structures on adjacent properties?
- VII. Would the benefits to the county appear to outweigh the detriment the applicant would suffer if forced to remove the structure?

18.11.5 DECISION

- A. The BOA shall make a decision upon the variance request within sixty (60) days of the submission of a complete application.
 - I. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - II. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.
- B. The concurring vote of a majority of the Board of Adjustment members shall be necessary for the approval or denial of an application for a variance.
- C. If the variance request is approved, the BOA may impose conditions on the variance. Any conditions imposed must be directly related to and must bear a rough proportionality to the impact created by the variance.
- D. The Board of Adjustment shall make written findings in each case and state the reasons for its decision.
- E. The decision, together with any conditions, shall be filed with the Zoning Administrator who shall:
 - I. Issue the permit if the variance is granted.

- II. File a certified copy of the order with the County Recorder for record. The order shall contain a legal description of the property involved.
- III. Forward written notice of the BOA's decision to the applicant, the Township and/or cities (when applicable. In the instances where variances have been approved in the Floodplain Overlay District, the Zoning Administrator shall notify the applicant for a variance that:
 1. The issuance of a variance to construct a structure below the 100-year flood elevation will result in increased insurance premium rates for flood insurance.
 2. Construction below the 100-year flood elevation increases risk to life and property.
 3. Such notification shall be maintained with a record of all variance actions.
- IV. Forward copies of all decisions on variances affecting the Floodplain and Shoreland Areas to the Commissioner of the Department of Natural Resources within ten (10) days of such action.
- V. Maintain a record of all variances approved including information on the reasons, location and any conditions imposed by the BOA.
- VI. For all variances within the Floodplain Overlay District, maintain a record of all variance actions, including justification for their issuance, and report these variances issued in the biennial report submitted to the Administrator of the National Flood Insurance Program.

18.11.6 APPEAL OF THE BOA DECISION

- A. All decisions of the BOA in considering variance requests as provided by this Ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or of the state shall have the right to appeal the decision to the District Court on questions of law and fact. Said appeal shall be made within thirty (30) days after the decision.

- B. No application for the same variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of the variance was denied, except as provided for in 18.11.6.C, below.
- C. An applicant may appeal the decision of the BOA when new information is obtained which is relevant to the issue. An application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the BOA if it is determined, from the record, that there has not been substantial change in facts, evidence or conditions.

18.11.7 CONDITIONS VOIDING A VARIANCE

- A. EXPIRATION OF A VARIANCE - A variance shall expire and be considered null and void one (1) year after the BOA's final decision to grant the variance if the variance has not been acted on or no construction has begun. For the purposes of this Ordinance, construction shall include the installation of footings, slab, foundation, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.
- B. UNAUTHORIZED ACTIONS. The variance document shall specifically identify the type and scope of relief authorized by the Board of Adjustment. Any action which does not conform to type and scope of the relief authorized by the BOA shall automatically render the variance null and void. In this case, the applicant shall be required to comply with Ordinance provisions or submit an application for an After-The-Fact-variance request.

18.11.8 ACTIONS SUBJECT TO ENFORCMENT

Any violation of the conditions of the variance shall be subject to the enforcement process of Chapter 19.

18.11.9 FEES

- A. To defray administrative costs of processing applications all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Board of Adjustment in its decision-making.

- C. Fees for After-the-Fact variance requests shall be set by the County Board.

SECTION 18.12 ZONING PERMIT

18.12.1 PERMIT REQUIRED

Except as provided in Section 18.12.2 below, no person shall erect, alter or move any structure or part thereof without first securing a Zoning Permit. Additionally, when work is proposed within the Shoreland and Floodplain Overlay Districts, no excavation for footings, foundations, slabs, posts, basements, walls or other parts of a structure shall be conducted without first securing a Zoning Permit.

18.12.2 EXEMPTIONS FROM ZONING PERMIT REQUIREMENTS

A Zoning Permit is not required for:

- A. New accessory structures to uses permitted within the district, provided the following conditions are met:
 - I. The Structure is not located within the Shoreland or Floodplain Overlay Districts;
 - II. The new structure must be two hundred (200) square feet or less;
 - III. The new structure or buildings must be placed upon the earth, without foundations or slabs;
 - IV. The new accessory structure must meet all setbacks, density, lot coverage and performance standards for the use and the primary and/or overlay district in which it is located;
 - V. The new accessory structure is not being used for a business or the storage of hazardous materials or explosives;
 - VI. The new accessory structure does not produce sewage or other waste requiring treatment;
 - VII. If used for animals, the structure cannot meet the definition of a commercial kennel;
- B. Additions to existing accessory structures where the cumulative additions would not cause the entire structure to exceed two hundred (200) square feet and all provisions of Section 18.12.2.A are met.

Dodge County Zoning Ordinance

- C. Decks or patios, located outside of the Shoreland or Floodplain Overlay Districts, provided all performance standards for the use and the zoning district in which it is located.
- D. Underground grain dump pits, grain legs, dryers or other similar agricultural property provided all setbacks for the primary zoning district are met.
- E. Recreational equipment, trampolines, above ground_swimming pools, playsets, and playhouses which meet the requirements of 18.12.2.A, provided all setbacks are met.

18.12.3 ZONING PERMIT APPLICATION

- A. An application for a Zoning Permit shall be submitted on forms provided by the Environmental Services Department. The application shall not be considered complete until any additional information that is deemed necessary for the proper enforcement of this Ordinance or any other applicable ordinance is submitted. Zoning Permit applications that require Township approval shall not be accepted as complete until the appropriate signature(s) is/are obtained.
- B. The fee for the Zoning Permit shall be submitted with the application. Applications will not be considered complete until the fee is submitted.
- C. Upon receipt of the application, the Zoning Administrator shall review the application and supporting information. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. The Time Deadline for Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- D. For Zoning Permit application requests within the Shoreland Overlay District, the application must demonstrate whether a conforming sewage treatment system is present for the intended use of the structure.

18.12.4 APPLICATION PROCESSING

Upon receipt of a complete application and other required supporting material, the Environmental Services Department shall:

- A. Perform an in-office site review of site features;

Dodge County Zoning Ordinance

- B. Check for the request for compliance with all applicable ordinance requirements;
- C. Conduct a field site inspection to verify site conditions and setbacks.

18.12.5 DECISION & PERMIT ISSUANCE

The Zoning Administrator, or designated Environmental Services Staff, shall issue the Zoning Permit only after determining that site plan, together with the application, comply with the terms of this Ordinance and any other applicable ordinances which pertains to the use.

- A. **TIMELINE FOR DECISION-** Decision and response must be made within sixty (60) days of acceptance of complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

18.12.6 EXPIRATION OF A ZONING PERMIT

Zoning Permits shall expire and be considered null and void after one (1) year if construction has not begun. For the purposes of this section, construction shall include the installation of footings, slabs, foundations, walls or other portions of a structure. Footings permitted and installed after April 12, 2022 and used as dwelling place holders shall expire and be considered null and void after three (3) years if construction of the dwelling has not begun. Site preparation, excavation, land clearing or the installation of utilities shall not constitute construction.

18.12.7 FEES

All applications for a Zoning Permit shall be accompanied by a fee set by resolution of the County Board.

SECTION 18.13 CONDITIONAL USE PERMITS

18.13.1 PURPOSE

The Board recognizes that certain uses, while generally not suitable in a particular zoning district, may under some circumstances be allowed if conditions are attached. When such circumstances exist, a Conditional Use Permit (CUP) may be granted and appropriate conditions attached.

18.13.2 PROVISIONS

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms and conditions designated in connection with such permit and all other applicable provisions of this Ordinance. Except as provided in this section, Conditional Use Permits shall remain in effect so long as the conditions agreed upon are observed. Nothing in this section shall prevent the Board from enacting amendments to change the status of conditional uses.

18.13.3 TRANSFER OF CUP

The permit shall be issued for a particular use on specific parcel. A conditional use permit may be transferred administratively to a new person or firm if the use is not changed and the conditions remain the same. Any change involving structural alterations, enlargement, intensification of use, change of location or similar changes not specifically permitted by the conditional use permit shall be administered in the same manner as required for new permits.

18.13.4 CONDITIONAL USE PERMIT REQUIRED

A CUP shall be required in the following instances:

- A. PROPOSED USES – Provided that only those uses listed as *Conditional Uses* within the applicable primary district or overlay district may be allowed through issuance of a CUP.

- B. EXISTING USES
 - I. All uses existing at the time of adoption of this Ordinance that now require a CUP may continue subject to the performance standards contained in Chapter 6 and the General Development Standards in Chapter 17 of this Ordinance.

 - II. Any enlargement, structural alteration, modification or

addition, intensification, or change of location of any existing use shall require a CUP or an amended CUP and the use shall be subject to the criteria and procedures for issuance of a conditional use permit set forth in Section 18.13 of this Chapter.

18.13.5 APPLICATION

- A. An application for a Conditional Use Permit shall be submitted on forms provided by the Environmental Services Department.
- B. The fee for the CUP shall be submitted with the application. Applications will not be considered complete until the fee is submitted.
- C. Upon receipt of the application, the Zoning Administrator shall review the application and supporting information. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. The Time Deadline for Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.
- D. For Conditional Use Permit application requests within the Shoreland Overlay District, the application must demonstrate whether a conforming sewage treatment system is present for the intended use of the property.

18.13.6 APPLICATION PROCESSING

- A. Upon receipt of a complete application and other required supporting material, the Zoning Administrator shall forward a copy of the completed application and attachments to the Planning Commission prior to hearing.
- B. The CUP request shall be placed on the agenda for a public hearing before the Planning Commission.
- C. Proper notice of hearing in accordance with Section 18.7 of this Chapter shall be given.

18.13.7 PUBLIC HEARING

- A. The Planning Commission may view the property being considered for a CUP prior to the public hearing.

- B. The Planning Commission shall hold at least one (1) public hearing on the CUP request.
- C. The applicant or his/her representative shall appear before the Planning Commission to answer questions concerning the CUP request.
- D. The Planning Commission and appropriate county staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning operational factors necessary to establish performance standard for the CUP.
- E. The applicant for a CUP, which in the opinion of the Planning Commission, may result in a material adverse effect of the environment, may be requested by the Planning Commission to demonstrate the nature and extent of such effects.
- F. An accurate record of all testimony shall be kept by the Secretary of the Planning Commission. This record shall contain the names of all persons testifying or otherwise participating at the hearing.

18.13.8 FINDINGS & RECOMMENDATIONS

- A. CRITERIA FOR GRANTING ALL CUPS - Conditional uses may be approved, by the County Board, upon a showing by the applicant that the use or development conforms to the comprehensive land use plan of the County and is compatible with the existing neighborhood. For approval of the CUP, the County Board shall find that:
 - I. The establishment, maintenance or operation will not be detrimental to or endanger the public health, safety, or general welfare
 - II. The proposed use will be able to meet the standards of this Ordinance or any other applicable County Ordinance and is not contrary to established standards, regulations or ordinances of other governmental agencies;
 - III. Each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the County and the use district wherein proposed;
 - IV. The proposed use is compatible with adjacent uses of land. The

use shall not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of other property in the immediate vicinity. This includes whether the applicant has ensured adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control signs and other lights in such a manner that no disturbance to neighboring properties will result.

- V. The proposed use shall not substantially diminish and impair property values within the area;
 - VI. The establishment of the use will not impede the orderly and normal development and improvement of the surrounding properties for uses permitted in the Zoning District;
 - VII. The proposed use will not have a detrimental effect on existing parks, schools, roads and other public facilities;
 - VIII. Adequate water supply and sewage disposal facilities are provided and in accordance with the Minnesota Department of Health and Chapter 21 of the Dodge County Zoning Ordinance, or successor;
 - IX. That existing groundwater, surface water, air quality, aggregate resources, rare features, native plant communities, and designated Wildlife Action Network areas are, or will be adequately protected from the use and/or future onsite structures;
 - X. Adequate utilities, access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided;
 - XI. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion on public roads;
- B. ADDITIONAL CRITERIA IN SHORELAND – In granting CUPs within the Shoreland Overlay District, the County Board shall also find that:
- I. The soil erosion or other pollutants of public waters shall be prevented both during and after construction.
 - II. The visibility of structures and other facilities as viewed from public waters is limited;
 - III. The site is adequate for water supply and on-site sewage treatment; and

- IV. 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 watercrafts.
- C. ADDITIONAL CRITERIA IN FLOODPLAIN- In granting CUPs within the Floodplain Overlay District, the County Board shall also consider:
- I. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - II. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - III. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - IV. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - V. The importance of the services provided by the proposed facility to the County.
 - VI. The requirements of the facility for a waterfront location.
 - VII. The availability of alternative locations not subject to flooding for the proposed use.
 - VIII. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - IX. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - X. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - XI. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - XII. Such other factors which are relevant to the purposes of this Ordinance.

18.13.9 CONDITIONS ATTACHED TO CUP

- A. ALL CUPS- In permitting a new CUPs or amendment of an existing CUP, the Planning Commission may recommend and County Board may impose, in addition to any standards and requirements specified by this Ordinance, additional conditions which the County Board considers necessary to protect the interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:
 - I. Increasing the required lot size or yard dimension;
 - II. Limiting the height, size, location, and exterior materials of buildings;
 - III. Increasing setbacks;
 - IV. Controlling the location and number of vehicle access points, and standards for access and egress for the site;
 - V. Increasing the number of required off-street parking spaces;
 - VI. Limiting the number, size, location or lighting of signs;
 - VII. Requiring stormwater management, fencing, screening, landscaping, erosion control or other facilities to protect adjacent or nearby property;
 - VIII. Designating sites for open space;
 - IX. Limiting outside storage areas;
 - X. Limiting the number of vehicles and/or employees associated with a business operation;
 - XI. Limiting the days and/or hours of operation;
 - XII. Requiring inspections of the premises and use;
 - XIII. Requiring performance or surety bonds; or
 - XIV. Additional requirements the Board deems necessary to safeguard the health, safety and welfare of the residents of Dodge County.

- B. CONDITIONS ATTACHED TO CUP IN SHORELAND - The Planning Commission and/or County Board, upon consideration of the criteria and the purposes of this Ordinance, shall attach such conditions to the issuance of the CUPs, as it deems necessary to fulfill the purposes of the Shoreland requirements. Such conditions may include, but are not limited to, the following:
 - I. Increased setbacks from the ordinary high-water level;
 - II. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - III. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

18.13.10 RECOMMENDATIONS

The Planning Commission may designate additional conditions and require guarantees deemed necessary for the protection of the public interest. The Planning Commission shall make its findings upon the application and the Zoning Administrator shall forward its recommendations to the County Board.

18.13.11 DECISION

Upon receipt of the Findings of the Planning Commission, the County Board shall make a decision upon the application for a Conditional Use Permit.

- A. TIMELINE FOR DECISION- Decision and response must be made within sixty (60) days of acceptance of a complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.
 - III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

Dodge County Zoning Ordinance

- B. The concurring vote of a majority of the County Board members shall be necessary for the approval or denial of an application for a Conditional Use Permit.
- C. The minutes of the County Board shall constitute written findings for its decisions.
- D. The decision shall be filed with the Zoning Administrator who shall:
 - I. Issue the Conditional Use Permit, if approved.
 - II. File a certified copy of the order with the County Recorder for record. The order shall contain a legal description of the property involved, if applicable.
 - III. Forward written notice of the County Board's decision to the applicant and any other person who requests notice and provides the Zoning Administrator with their name and address. Delivery of the notice shall be complete upon mailing by first class, United States mail.
 - IV. Forward copies of all decisions on Conditional Use Permits affecting the Shoreland Overlay Districts to the Commissioner of the Department of Natural Resources within ten (10) days of such action.

18.13.12 APPEAL OF COUNTY BOARD DECISION

All decisions of the County Board in considering requests for Conditional Use Permits as provided by this Ordinance shall be final. Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or of the state shall have the right to appeal the decision of the County Board to the District Court on questions of law and fact. Said appeal shall be made within thirty (30) days after the decision.

18.13.13 DENIAL AND RESUBMISSION

Whenever an application for a CUP has been considered and denied by the County Board, a similar application for a CUP affecting the same property shall not be considered again by the Planning Commission or County Board for at least six (6) months from the date of its denial.

18.13.14 REVIEW

A periodic review of the permit and its conditions shall be completed. Reviews may also take place when complaints are received.

18.13.15 DISCONTINUANCE OF A CUP

A CUP shall remain in effect for as long as the conditions of the CUP are complied with. A CUP shall become void if the use is discontinued for a period of one (1) year. A use that has not been established in accordance with the timeframes identified in 18.13.5.A and 18.13.15.B below shall be considered a "discontinued" use.

- A. Unless identified in Section B below, a CUP shall be considered discontinued two (2) years from the date of approval by the County Board if no construction has begun or if the use has not been established.
- B. CUPs for feedlots shall be considered discontinued three (3) years from the date of approval by the County Board if no construction has begun.

For the purposes of this Section, construction shall include the installation of footings, slab, foundation, walls or other portions of a building. Footings permitted and installed after April 12, 2022 and used as dwelling place holders shall expire and be considered null and void after three (3) years if construction of the dwelling has not begun. Site preparation, land clearing or the installation of utilities shall not constitute construction.

18.13.16 VIOLATIONS AND REVOCATION OF A CUP

- A. A periodic review of the permit and its conditions shall be maintained. A violation of any condition set forth in a CUP shall be a violation of both the permit and this Ordinance and subject to the enforcement provisions of Section 19 of this Ordinance.
- B. Failure to correct a violation within thirty (30) days following the official Notice of Violation shall be grounds to revoke a CUP through the following procedure:
 - I. The Zoning Administrator shall give written notice to the permit holder, advising that the CUP may be revoked at the conclusion of the public hearing. The written notice shall also contain a copy of the Notice of Violation.
 - II. The Planning Commission reviews the notice the regular

scheduled meeting and makes a recommendation for specific action to the County Board.

III. Within sixty (60) days of the closing of the Planning Commission meeting, the County Board shall:

1. Revoke the CUP,
2. Make a finding that a violation does not exist, or
3. Modify the conditions of the CUP so that a violation no longer exists.

C. The Zoning Administrator shall give written notice of the County Board decision to the permit holder.

D. When a CUP is revoked, the Zoning Administrator shall provide the minutes containing the County Board's decision to revoke the CUP to the County Recorder for record.

18.13.17 FEES.

A. To defray administrative costs of processing applications of Conditional Use Permits, all applicants shall be subject to a flat sum fee in an amount set by the County Board.

B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 18.14 INTERIM USE PERMITS

The purpose of an Interim Use Permit is to allow the temporary use of property until a particular date, until the occurrence for a particular event, or until zoning regulations no longer permit it. In order to issue an IUP, the use must be specifically listed as an Interim Use in the applicable primary or overlay zoning district. In addition to other required licenses, permits, and approvals, Interim Uses are subject to performance standards set forth in this Ordinance and any conditions of the permit.

18.14.1 APPLICATION

The application for an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13 of this Chapter.

18.14.2 CRITERIA FOR CONSIDERING AN IUP

The criteria for considering an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13 of this Chapter.

18.14.3 NOTICE OF PUBLIC HEARING

The notice of public hearing for an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.7 (Public Hearings) of this Chapter.

18.14.4 STANDARDS FOR ISSUING AN IUP

The Board may issue an Interim Use Permit only if it finds that such use at the proposed location:

- A. Meets the standards of a Conditional Use Permit contained in Section 18.13 of this Chapter.
- B. Will terminate upon a date or event that can be identified with certainty;
- C. Will be subject to, by agreement between the owner and the Board, any conditions that the Board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
- D. Excluding IUPs for dwellings subject to the density standard, IUPs will not be transferable upon change of ownership.

18.14.5 NOTICE AND CERTIFICATION OF FINAL ACTION

The notice of final action for an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13 of this Chapter.

18.14.6 DISCONTINUANCE OF AN IUP

The discontinuance of an Interim Use Permit shall be the same as for a Conditional Use Permit as provided for in Section 18.13.15 of this Chapter.

18.14.7 TERMINATION

An Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- A. The termination date or event stated in the permit; or
- B. The Interim Use Permit is revoked following the same procedures for the revocation of a Conditional Use Permit pursuant to Section 18.13.16 of this Chapter.
- C. Based upon issues with the permit, the County Board has determined that the use is not suitable for the district or no longer compatible with adjacent uses.
- D. The use has been discontinued for a minimum period of one (1) year.
- E. The new owner of the use/occupancy does not apply for a new IUP, when applicable.

18.14.8 FEES.

- A. To defray administrative costs of processing applications of Interim Use Permits, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 18.15 FARM ANIMAL REGISTRATION & PERMITS

18.15.1 REGISTRATION REQUIRED

All *Farm Animals Sites* within Dodge County are required to maintain current registration. A new county registration form is required every year or whenever the following occurs:

- A. A facility operating change in the number of animal units;
- B. A change in the manure storage, or;
- C. A change in the ownership of the facility.

Farm Animals Sites not registered for five (5) consecutive years will be deactivated by the County. Following deactivation, these sites shall be considered new *Farm Animals Sites* if said animals were to return and shall comply with all Performance Standards and uses permitted in their specific zoning districts at the time of registration in compliance with Dodge County Zoning Ordinance, as amended.

18.15.2 AUTHORIZATIONS REQUIRED

Prior to construction or modification of an animal feedlot or manure storage area, verification of permits, authorizations, or other forms of approval to commence construction under the MPCA Feedlot Rules shall be provided to the county.

18.15.3 INSPECTION REQUIRED

When expansion of any feedlot subject to conditional use permits is proposed, an inspection of the facility shall be performed to determine whether it is in compliance with applicable local, state and federal rules and regulations. No expansion will be allowed on feedlots that are determined to be non-compliant with Ordinance provisions or State rules.

18.15.4 APPLICATION AND REGISTRATION FORMS

Applications and registration forms for *Farm Animals* shall be submitted on forms provided by the Environmental Services Department.

18.15.5 FEES.

- A. To defray administrative costs of processing applications, all applicants for feedlot expansion requests requiring a Conditional Use Permit shall be subject to a flat sum fee in an amount set by the County Board.
- B. To defray administrative costs of maintaining registrations and tracking active *Farm Animals Sites* for zoning purposes, all applicants may be subject to an annual flat sum fee in an amount set by the County Board.
- C. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording, modeling, advisory board meetings and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

SECTION 18.16 SHORELAND ALTERATION PERMITS

The grading, filling, excavation or any alteration of the natural topography in the Shoreland Overlay District, unless such activity is specifically excluded in Section 18.16.1 of this Section, shall first be authorized by a Shoreland Alteration Permit.

18.16.1 EXCLUSIONS

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued Zoning Permits for these facilities.
- B. Projects which are reviewed, approved and meet the sequencing and wetland replacement plan provisions of *Minnesota Rules, part 8420; or successor rule*, provided the provisions of Section 18.16.4 of this Chapter are met.
- C. Projects that are reviewed, approved and meet the requirements for animal feedlots or are fixes on animal feedlots when designed and constructed according to SWCD or NRCS specifications.
- D. If the management of spoils from a project in a public waters or public waters wetland which has received Department of Natural Resources approval is described in the Department of Natural Resources permit, the project is exempt from the shoreland permit requirements of this Ordinance.
- E. Topographic alterations involving the movement of 10 cubic yards or less of material within the shore impact zone.

18.16.2 SHORELAND ALTERATION PERMITS

A Shoreland Alteration permit shall authorize the following activities.

- A. Topographic alterations involving the movement of 50 cubic yards or less of material that is not on steep slopes or within shore or bluff impact zones. Topographic alterations on steep slopes, within the bluff impact zone, or alterations exceeding 10 cubic yards within the shore impact zone are prohibited.
- B. Projects in which rock riprap is being used to control erosion above the ordinary high-water level (OHW).
- C. Retaining walls that are located within the shore or bluff impact zone.
- D. The placement of sand within the shore impact zone and above the ordinary high-water level.

18.16.3 CONDITIONS FOR ALL SHORELAND ALTERATION PERMITS

Shoreland Alteration Permits shall be subject to the following conditions:

- A. Alterations shall only be allowed if they are necessary to a permitted, accessory or conditional use and do not adversely affect adjacent or nearby properties or the water body.
- B. Alterations necessary to correct existing erosion problems may be allowed. Rock riprap or bioengineered solutions shall be the preferred method over retaining walls to prevent erosion.
- C. Alterations shall be designed and constructed in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
- D. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
- E. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
- F. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local Soil and Water Conservation District or Natural Resource Conservation Service.
- G. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
- H. Plans to place fill or excavated material on steep slopes shall be reviewed by a qualified professional such as an architect, engineer, Soil and Water Conservation District staff person, or Natural Resource Conservation Service staff person. The project shall not create finished slopes of 30 percent or greater.
- I. For the placement of sand blankets:
 - I. Only clean, washed sand, free of organic or toxic materials shall be used.

- II. The sand blanket may be up to twelve (12) inches in depth, up to fifty (50) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high-water level.
- III. Replacement or maintenance sand blankets may not exceed the same amount and dimensions of the original sand blanket
- IV. Sand may only be placed in an area where the natural drainage of the property will not result in the sand being washed into the water body. When required, an earthen berm shall be constructed on the landward side of the sand blanket to divert surface water runoff around the sand area. The berm shall be planted with vegetation such as grass to aid in the assimilation of surface water runoff.

18.16.4 PERMIT EVALUATION

The Environmental Services Department, with assistance from other Departments or agencies when needed, shall evaluate Shoreland Alteration Permit applications for conformance with Section 18.16.3 of this Chapter and may attach additional conditions to further assure that the shoreland alterations will not have an adverse impact on adjacent properties or the water body.

18.16.5 CONNECTIONS TO PUBLIC WATER

Excavations, where the intended purpose is connection to a public water, shall be permitted only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.

18.16.6 FEES.

- A. To defray administrative costs of processing applications of Shoreland Alteration Permits, all applicants shall be subject to a flat sum fee in an amount set by the County Board.
- B. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering, recording and planning consultant assistance necessary for proper review and consultation to assist the Environmental Services Department in its decision-making.

SECTION 18.17 SEPTIC PERMIT (SSTS PERMIT)

18.17.1 SEPTIC (SSTS) PERMIT REQUIRED

Any activity involving an existing system that requires a Septic Permit shall require that the entire system be brought into compliance with this Chapter and Minnesota Rules Chapter 7080-7083.

A septic permit is required for:

- A. Installation of a new SSTS or holding tank;
- B. Replacement of an existing SSTS or holding tank;
- C. Any repair, expansion, or replacement of the drainfield or its components;
- D. Change of the treatment capacity of the system;
- E. Change of the location of the system;
- F. Change of the original system's design, layout, or function.
- G. Reconstruction of a soil dispersal area and/or a soils dispersal system;
- H. Replacement of treatment and/or pump tanks.

Prior to an increase in the number of bedrooms (including, but not limited to, the conversion of existing living space to bedrooms) and/or the addition other water using devices to/within an existing structure, contact the SSTS Program Manager to determine if a septic permit is required.

18.17.2 EXEMPTIONS FROM SEPTIC (SSTS) PERMIT REQUIREMENTS

A septic permit is not required for:

- A. Installation or repair of the solid sewer pipe (building sewer) or other mains and collection systems installed in front of the septic or holding tanks, unless otherwise required by rule.
- B. Installation or repair of the solid sewer pipe from the septic tank to the first distribution or drop box.
- C. Repair or replacement of pumps, floats, or other electrical devices of the pump.

- D. Repair or replacement of baffles in the septic tank.

18.17.3 SEPTIC PERMIT APPLICATION

- A. An application for a Septic Permit shall be submitted on forms provided by the Environmental Services Department. The application shall not be considered complete until any additional information that is deemed necessary for the proper enforcement of this Ordinance or any other applicable ordinance is submitted.
- B. An application for a Septic Permit shall be accompanied by a fee set by resolution of the County Board. Applications will not be accepted without the fee.

18.17.4 APPLICATION PROCESSING

The Department shall review and process the septic permit application in accordance with the Minnesota Statutes Chapter 15.99. Incomplete applications will not be accepted.

18.17.5 DECISION & PERMIT ISSUANCE

Septic permit applications that meet the ordinance shall be approved by the Department and a written Septic Permit approval authorizing construction of the SSTS as designed shall be issued and sent to the licensed installer listed on the application.

In the event the applicant makes a significant change to the approved application, the applicant must file an amended application to the Department detailing the changes, prior to initiating construction, continuing construction, modification, or operation of the system until notice of approval or denial of the changes.

- B. **TIMELINE FOR DECISION-** Decision and response must be made within sixty (60) days of acceptance of complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension

and its anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.

- III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

18.17.6 EXPIRATION OF A SEPTIC PERMIT

A Septic Permit is valid for a period of no more than one (1) year from its date of Issuance.

18.17.7 TRANSFERABILITY

A Septic Permit for a sewage treatment system that is approved but has not yet been installed shall not be transferred to the new owner. Unless the new owner submits signed Septic Permit application forms and management plan to the Department.

18.17.8 SUSPENSION OR REVOCATION

The Department may suspend or revoke a Septic Permit under the Enforcement provisions of Chapter 19.

A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Sewer Permit is obtained.

SECTION 18.18 SEPTIC (SSTS) OPERATING PERMIT

18.18.1 SEPTIC (SSTS) OPERATING PERMIT REQUIRED

Sewage shall not discharge to a system requiring an Operating Permit until the ES Department certifies that the system was installed in conformance with the approved plans, receives the final record drawings, and a valid Operating Permit is issued to the owner.

An Operating Permit shall be required for:

- A. Type IV SSTS;
- B. Midsized Subsurface Sewage Treatment Systems (MSTS);

- C. Any other system deemed by the Department to require operation and oversight.

18.18.2 SEPTIC (SSTS) OPERATING PERMIT

- A. An Operating Permit shall be submitted on forms provided by the Environmental Services Department.
- B. OPERATING PERMIT INFORMATION

Operating Permits shall include the following information in accordance with MN rules Chapter 7082.0600, Subp.2.B:

- I. System performance requirements
 - II. System operating requirements
 - III. Monitoring locations, procedures, and recording requirements
 - IV. Maintenance requirements and schedule
 - V. Compliance limits and boundaries
 - VI. Reporting requirements.
 - VII. Department notification requirements for non-compliant conditions
 - VIII. Valid contract between the owner and a licensed maintenance business
 - IX. Disclosure, location and condition of acceptable soil treatment and dispersal site.
 - X. Descriptions of acceptable and prohibited discharged
 - XI. Other requirements as defined in county zoning ordinance or permit
 - XII. Other requirements as defined by Department
 - XIII. A "Homeowners Manual" shall be provided by the owner to all individual homes or businesses using a cluster system.
- C. Upon receipt, Environmental Services Staff shall review the Operating Permit. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.
 - D. Operating permits are subject to an annual fee set by resolution of the County Board.
 - E. OPERATING PERMIT EXPIRATION AND RENEWAL
 - I. Operating Permits shall be valid for the specific term stated on the

permit as determined by the Department.

- II. The Department shall notify the holder of the operating permit prior to the expiration of the permit. The owner must apply for renewal prior to the expiration date.
- III. If the Operating Permit has expired, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed in sixty (60) calendar days of the expiration date, the County may require that the system be abandoned in accordance with Section 21.14 of this Ordinance and Minnesota Rules Chapter 7080.2500.

F. SSTS OPERATING PERMIT AMENDMENTS

The county may not amend an existing Operating Permit to reflect changes in the Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

G. TRANSFERS

The *Operating Permit* may not be transferred. A new owner shall apply for an *Operating Permit* in accordance with the requirements of this section. The Department shall not terminate the current permit until sixty (60) calendar days after the date of sale unless an imminent threat to public health (ITPH) and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or *Qualified Employee*.

H. SUSPENSION OR REVOCATION

- I. The Department may suspend or revoke an *Operating Permit* issued under this section for any false statements or misrepresentations of facts on which the *Operating Permit* was issued.
- II. Notice of suspension and the reasons for revocation shall be conveyed in writing to the owner.
- III. If suspended or revoked, the Department may require that the treatment system be removed from service, temporarily operated as a holding tank, or abandoned in accordance with Section 21.14 of this Ordinance and Minnesota Rules Chapter 7080.2500.

- IV. The *Operating Permit* may be reinstated or renewed upon the owner taking appropriate corrective actions.

I. COMPLIANCE MONITORING

- I. Performance monitoring of a SSTS requiring an Operating Permit shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- II. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit.
- III. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - a. Owner name and address.
 - b. Operating Permit number
 - c. Average daily flow since last compliance monitoring report
 - d. Description of type of maintenance and date performed
 - e. Description of samples taken (if required), analytical laboratory used, and results of analysis
 - f. Problems noted with the system and actions proposed or taken to correct them
 - g. Name, signature, license and license number of the licensed professional who performed the work

SECTION 18.19 SEPTIC (SSTS) MANAGEMENT PLANS

Management Plans describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The Management Plan is included as part of the Septic Permit application and shall be provided by the certified designer to the system owner when the treatment system is commissioned.

Existing SSTS that are not operated under a Management Plan or Operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when accumulation meets the limit described in Minnesota Rules,

Chapter 7080.2450.

18.19.1 SSTS REQUIRING MANAGEMENT PLANS

Management plans are required for all New or Replacement SSTS. Management Plans are to be submitted on forms approved by the Environmental Services Department. The management plan shall be submitted to the Department with the Septic Permit application for review and approval.

18.19.2 REQUIRED CONTENTS OF A MANAGEMENT PLAN

Management plans shall include (MN Rules 7082.0600, Subp. 1):

- A. Maintenance requirements, including frequency
- B. Operational requirements, including which tasks the owner can perform and which tasks a licensed service provider or maintainer must perform
- C. Monitoring requirements;
- D. Requirements that the owner notify Dodge County when management plan requirements are not met;
- E. Disclosure of the location and condition of the additional soil treatment and dispersal area on the lot or parcel serving that residence; and
- F. Other requirements as determined by the Department.

SECTION 18.20 DRIVEWAY/ ACCESS PERMIT

Access onto County, Township, State or Federal Roads located within Dodge County shall require and Access Permit from the appropriate Road Authority.

SECTION 18.21 REMOVAL PERMIT – DILAPIDATED DWELLING UNITS

18.21.1 PERMIT REQUIRED

In order for a parcel where a dilapidated dwelling unit is erected to remain buildable after removal of said structure, no person shall start removal without first securing a Removal Permit.

18.21.2 REMOVAL PERMIT APPLICATION

- A. An application for a Removal Permit shall be submitted on forms provided by the Environmental Services Department. The application shall not be considered complete until any additional information that is deemed necessary for the proper enforcement of this Ordinance or any other applicable ordinance is submitted. Removal Permit applications that require Township approval shall not be accepted as complete until the appropriate signature is obtained.
- B. Upon receipt of the application, the Zoning Administrator shall review the application and supporting information. If the request does not contain all required information or sufficient information for the permit to be issued, it shall be returned within fifteen (15) days with a written request for additional information. The Time Deadline for Agency Action described under Minnesota Statutes 15.99, or successor, does not begin until a complete application is submitted.

18.21.3 APPLICATION PROCESSING

Upon receipt of a complete application and other required supporting material, the Environmental Services Department shall:

- A. Perform an in-office site review of site features;
- B. Check for the request for compliance with all applicable ordinance requirements;
- C. Conduct a field site inspection to verify that the structure meets the definition of a dilapidated dwelling. The Dodge County Environmental Services Department shall reserve the right to request any additional proof required to make an accurate determination of the dwelling's condition.

18.21.4 DECISION & PERMIT ISSUANCE

The Zoning Administrator, or designated Environmental Services Staff, shall issue the Removal Permit only after determining the application complies with the terms of this Ordinance and any other applicable ordinances which pertains to the use.

- A. **TIMELINE FOR DECISION-** Decision and response must be made within sixty (60) days of acceptance of complete application.
 - I. Failure to make a decision within the timeline is approval of the request.
 - II. The timeline may be extended before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its

anticipated length, which may not exceed sixty (60) additional days unless approved by the applicant.

- III. See also Minnesota Statutes, section 15.99, as amended, Time Deadline for Agency Action.

18.21.5 EXPIRATION OF A REMOVAL PERMIT

Removal Permits shall expire and be considered null and void after one (1) year if removal is not completed. For the purposes of this section, removal shall include the demolition of the structure as a whole, the disposal of demolition materials to prevent nuisance and the abandonment of the well and septic system in compliance with Chapter 17.

SECTION 18.22 OTHER PERMITS, LICENSES AND APPROVALS

Appropriate permits, licenses or approvals from other County, Township, State or Federal governments shall be required in the administration of this Ordinance.

CHAPTER 19: ENFORCEMENT

SECTION 19.1 PURPOSE

The purpose of this Chapter is to provide a process for enforcing the provisions of the Dodge County Zoning Ordinance and for determining and resolving Ordinance violations pursuant to the authority granted by Minnesota Statutes Chapter 394; or successor statutes.

SECTION 19.2 VIOLATIONS

Violations include the establishment, creation, expansion, alteration, occupation, or maintenance of any Use, land development activity, or structure, performance standards, general development standard, etc. that violates or is inconsistent with any provision of the Dodge County Zoning Ordinance or any permit, order, agreement, approval, or other authorization issued there under.

SECTION 19.3 ADMINISTRATION

The Zoning Administrator or other designated Environmental Services staff is authorized to administer and enforce this chapter. The Dodge County Sheriff's Office is also authorized to issue misdemeanor citations under this chapter in accordance with joint department policy and process. In the event of a violation or threatened violation of this ordinance, the Department, Sheriff's personnel, Planning Commission, County Board or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violations or threatened violations and it shall be the duty of the County Attorney to institute the action.

SECTION 19.4 VIOLATION A MISDEMEANOR

Except where separately provided for in this Chapter or in state statute or rule, violation of the provisions of the Dodge County Zoning Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, interim or conditional uses, administrative permits, sewage treatment permits/approvals, Board of Board of Adjustment order, or other certificates, approvals or permits issued pursuant to the provisions of this ordinance, shall constitute a misdemeanor and shall be punishable as defined by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 19.5 REMEDIES

In responding to a suspected violation, the county may utilize the full array of

enforcement actions available to it, including, but not limited to, prosecution and fines, after-the-fact permits, cease and desist, letter of warning, notice of violations, orders for corrective measures, etc. The County may also seek assistance and/or enforcement action from staff of state and federal agencies for violations of state and federal rules regarding programs the county administers and/or is otherwise mandated to enforce. The county may institute appropriate actions or proceedings, including injunctive relief to prevent, restrain, correct or abate the violations or threatened violations. The county may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the cost may be certified to the County Auditor as a special tax against the real property. Any violation of this ordinance for which a citation has been issued shall constitute sufficient ground for denial of any application required by this ordinance or revocation of a permit that is related to the violation.

SECTION 19.6 FINES

All fines for violation shall be paid to the county and shall be credited to the general revenue fund.

CHAPTER 20: LAND SUBDIVISION

SECTION 20.1 PURPOSE

The uncontrolled development and subdivision of property in Dodge County, Minnesota affects the public health, safety and general welfare. Therefore, it is in the best interest of the county to provide for the wise, orderly and sustainable subdivision of property in Dodge County. This Chapter is amended for the purpose of:

- 20.1.1 Regulating the subdivision of land in Dodge County, Minnesota.
- 20.1.2 Supplementing and facilitating the provisions in the Dodge County Comprehensive Land Use Plan, Zoning Ordinance, County Zoning Map, and other county and city administered plans and ordinances which may apply.
- 20.1.3 Insuring proper legal descriptions and monumenting of subdivided land.
- 20.1.4 Promoting and providing for the orderly, economic and sound development of all land within Dodge County.
- 20.1.5 Encouraging well-planned, sustainable, safe, efficient and attractive subdivisions by establishing reasonable design standards and procedures for subdivisions
- 20.1.6 Guiding development in order to provide adequate public services, sewer and water, schools, parks and an integrated and safe road and highway system.
- 20.1.7 Safeguarding ground water supplies and preventing pollution in order to preserve the value of the land.
- 20.1.8 Protecting the social and economic stability of the County through orderly development.
- 20.1.9 Protecting the natural features of the County by ensuring appropriate development with regard to these natural features.
- 20.1.10 Encouraging the wise use and management of natural resources throughout the County, including preventing erosion and providing for adequate drainage and storm

water retention.

SECTION 20.2 JURISDICTION & SCOPE

The regulations of this Chapter governing plats, surveys and the subdivision of land shall apply to all lands within the unincorporated areas of Dodge County.

SECTION 20.3 STATUTORY AUTHORIZATIONS

This Chapter is authorized by Minnesota Statutes, Chapter 394; Minnesota Statutes Chapter 505; Minnesota Statutes Chapter 508 & 508A; Minnesota Statutes Chapter 515B and Minnesota Statutes Chapter 389; or successor statutes.

SECTION 20.4 GENERAL REQUIREMENTS

20.4.1 CHARACTER OF THE LAND

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the public health, safety and welfare.

20.4.2 CAPITAL IMPROVEMENTS & SERVICES

Land shall not be subdivided unless proper provisions have been made for drainage, water, wastewater, transportation facilities, emergency services and any other necessary capital improvements, when applicable.

20.4.3 SUITABILITY

Each lot created through subdivision shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, karst features and potential for sinkhole development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, impact to water quality, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community, or any negative effect of a proposed subdivision on the natural resources of Dodge County.

20.4.4 COMPREHENSIVE PLAN

Any subdivision shall be in harmony with the Dodge County Comprehensive Land Use Plan, as amended and any Township

Comprehensive Plan, when applicable. When located within a defined Urban Expansion District of a city, the proposed subdivision shall be in harmony with the affected city's comprehensive plan and future land use maps.

20.4.5 IMPROVEMENTS

Any subdivision, including public improvements, shall obtain all proper permits/approvals and conform to all local, state and federal plans, codes, standards and other applicable requirements.

All future public infrastructure shall be designed and built to current MnDOT design standards and specifications.

20.4.6 CONSISTENCY WITH OTHER CONTROLS

Subdivisions must conform to all official controls and the publicly adopted plans of this county, the State of Minnesota, and the Federal Government. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. Where subdivisions are located immediately adjacent to a city boundary, they shall be substantially consistent with and complementary to the adjacent use and be designed to promote connectivity.

20.4.7 ENVIRONMENTAL REVIEW

Projects subject to environmental review under Minnesota Rules Chapter 4410, as amended shall comply with Section 18.6 of this Ordinance. An application for a Preliminary Plat shall not be submitted until the full review process is complete and a determination from the Responsible Governing Unit (RGU) on the environmental review is final. The final environmental review document shall be submitted with the application for a Preliminary Plat.

SECTION 20.5 COMPLIANCE

No division of land proposed pursuant to this Chapter shall be recorded in the Dodge County Recorder's Office or have any validity until the proposed division has been prepared, approved and acknowledged in the manner prescribed in this Chapter.

20.5.1 RECEIVING AND RECORDING UNAPPROVED PLATS

No plan, plat or re-plat of land shall be recorded unless the certifications required under Minnesota Statutes Chapter 505.021, Subd. 9; or successor, have been provided.

20.5.2 CONVEYANCE OF UNRECORDED PROPERTIES

It shall be unlawful to sell, trade, or offer to sell, trade or otherwise convey any unrecorded lot or parcel of land.

20.5.3 MISREPRESENTATIONS AS TO CONSTRUCTION, SUPERVISION, OR INSPECTION OF IMPROVEMENTS

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of the land within the county to represent that any improvement upon any of the highways, roads, streets or alleys of the addition or subdivision or any sewer or sewage treatment system in the addition or subdivision has been constructed according to the plans and specifications approved by the County Board, or has been supervised by the county until such improvements have been so constructed, supervised, or inspected.

20.5.4 ISSUANCE OF LAND USE PERMITS

Permits shall not be issued for any use, alteration, structure or sewage treatment system under the jurisdiction of this Ordinance until all requirements of this Chapter (including, but not limited to, and any agreements, financial assurances or other documents required thereunder) and other local, state and federal requirements have been fully complied with.

20.5.5 INSTALLATION OF IMPROVEMENTS

No improvements shall be installed unless the preliminary plat is approved and any financial guarantee is received by the county.

SECTION 20.6 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

SECTION 20.7 TYPES OF SUBDIVISIONS

The subdivision of any lot, tract or parcel into two or more lots, tracts or parcels shall be considered a subdivision (split) of land and shall be subdivided in accordance with the provisions of this Chapter. Before any land is subdivided, the owner of the property proposed to be subdivided, or their

authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in this Chapter. Three types of land subdivisions, including Minor Subdivision, Major Subdivision and Registered Land Surveys, shall be allowed by this Ordinance.

SECTION 20.8 MINOR SUBDIVISIONS

20.8.1 SCOPE

Minor Subdivisions include simple divisions of land to create parcels that have not been rezoned for the purpose of development of two or more *Lots*, as defined in Chapter 4, for residential, commercial, or industrial subdivisions, subject to platting or replatting in accordance with Minnesota Statutes 505. *Minor Subdivisions* also include the split of a parent parcel that creates less than three (3) lots in the Urban Expansion District, that have not been rezoned. It is intended that Minor Subdivisions generally be utilized for non-building purposes, for the limited establishment of building sites through permitted uses and the public hearing process subject to density limitations, for purposes of correcting a boundary line, for the limited attachment of certain properties, for subdivisions for mortgage purposes, for establishing a life-estate and for subdivisions for sewage treatment installation.

20.8.2 ADMINISTRATIVE PROCESS MINOR SUBDIVISIONS

A Minor Subdivision shall be prepared in the form of a Certificate of Survey by a land surveyor who is licensed in the State of Minnesota. The survey shall conform to and be processed in accordance with Chapter 3 of this Ordinance.

SECTION 20.9 MAJOR SUBDIVISIONS

A *Major Subdivision* is any subdivision of land the purpose of which is to create through the platting requirements of Minnesota Statutes Chapter 505 and this Chapter, two or more residential, commercial or industrial buildable *Lots*, as defined in Chapter 4, that are not classified as a *Minor Subdivision* regulated under Section 20.8, above. Major Subdivisions are allowed within a designated Urban Expansion District. Land within the Urban Expansion District must be rezoned to the appropriate zoning district for the proposed uses prior to submitting an application under this Chapter. Major Residential Subdivisions may also be allowed when property exhibits *Rural Residential Characteristics* as described in Exhibit G is rezoned to Rural Residential. Rezoning requests will only be considered when in conformance with the map amendment (rezoning) criteria identified in Section 18.9.4 of this Ordinance.

20.9.1 PRE-APPLICATION MEETING

A pre-application meeting with the Department shall be required for Major Subdivisions. The intent of the pre-application meeting is to review all applicable laws, rules, ordinances, policies and procedures that are relative to the platting process, as well as discuss general plans for the proposed subdivision.

Prior to proceeding with a Major Subdivision under this Chapter, the property owner(s) or developer shall meet with the county, affected township and affected municipality for approval to proceed with the proposed subdivision. In addition, the applicant shall discuss with the municipality to determine if annexation of the subject property is feasible. If annexation is not feasible, the subdivision or plat application shall proceed under the county regulations if the municipality determines the proposed use of the property is compatible with the city comprehensive land use plan and future land use maps, when applicable.

20.9.2 SUBMITTAL OF GENERAL DEVELOPMENT CONCEPT PLAN (GDCP)

A. APPLICATION

An application for a GDCP shall be on forms provided by the Department. The applicant shall provide an electronic file and twelve (12) hard copies containing the following information to the Environmental Services Department:

- I. Request for Public Hearing
- II. Application and fee for a GDCP on forms provided by the Department
- III. Legible copies of a GDCP.

B. REVIEW OF GDCP

- I. Copies of the proposed GDCP application and supporting documentation shall be submitted to other staff, committees, consultants or federal and/or state agencies as appropriate in accordance with regular Staff Report distribution.
- II. Copies of the GDCP application and supporting documentation shall be distributed to the following

reviewers for comments and recommendations to the Department to include with the Findings of Fact for the public hearing:

- a. Environmental Services Director
- b. Subsurface Sewage Treatment System Program Manager or MPCA, when applicable
- c. Zoning Administrator
- d. County Engineer
- e. County Surveyor
- f. County Recorder
- g. County Attorney
- h. MnDOT
- i. Department of Natural Resources
- j. Dodge SWCD
- k. Township Board of Supervisors of the affected Township, and
- l. City Administrator of adjacent municipality, if proposed within the Urban Expansion District adjacent to a municipal boundary.

C. PUBLIC HEARING

The Planning Commission shall conduct a public hearing on the proposed GDCP in accordance with Section 18.7 of this Ordinance. The Planning Commission shall review the GDCP and all other supporting information and make recommendations to the County Board.

D. COUNTY BOARD DECISION

The County Board shall review the recommendations and findings of the Planning Commission and determine if GDCP should proceed to the preliminary plat stage.

If the project proposer decides to proceed with the Major Subdivision as proposed or revised, they may prepare the Preliminary Plat.

20.9.3 SUBMITTAL OF PRELIMINARY PLAT

A. APPLICATION REQUIREMENTS

The owner or subdivider shall file an application for a Preliminary Plat with the Environmental Services Department that shall consist of the following:

- I. A completed application for a Preliminary Plat along with all supporting documentation and fee established by the County Board.
- II. Proof of ownership: A copy of a current Title Commitment, Title Opinion, or Certificate of Title (Torrens property) that covers the property of the proposed plat shall be submitted with the proposed plat.
- III. Eight (8) full size (24" X 36") copies of the preliminary plat, one digital file (legible at the 11" X 17" print size), plus any additional copies deemed necessary by the Zoning Administrator.
- IV. One (1) copy of the draft Development Agreement which shall thoroughly describe the responsibilities of all parties involved in the subdivision development construction.
- V. One (1) copy of any proposed covenants, the declaration of restrictions, and other applicable agreements.
- VI. One copy of the proposed financial assurances for all components of the plat

B. DETERMINATION OF A COMPLETE APPLICATION

Upon receipt an application for a Preliminary Plat, the Zoning Administrator shall review the information within fifteen (15) business days to determine if the application is complete. Applications that are determined to be incomplete shall be returned to the applicant with a written notification identifying the information required to complete the application.

C. FILING AND REVIEW OF A COMPLETE APPLICATION FOR A PRELIMINARY PLAT

- I. The Zoning Administrator distribute copies of the Preliminary Plat application and supporting documentation to the following for comments:
 - a. Environmental Services Director,
 - b. Subsurface Sewage Treatment System Program Manager or MPCA, when applicable
 - c. Zoning Administrator
 - d. County Engineer
 - e. County Surveyor
 - f. County Recorder
 - g. County Attorney
 - h. MnDOT
 - i. Department of Natural Resources
 - j. Dodge SWCD
 - k. Township Board of Supervisors of the affected Township, and
 - l. City Administrator of adjacent municipality, if proposed within the Urban Expansion District adjacent to a municipal boundary.
- II. Written comments and recommendations from those listed in 20.9.3.C.I listed above shall be provided to the Department to include with the Findings of Fact for the public hearing:
- III. If written comments are not received by the date specified in the Staff Report, it will be assumed that there are no objections to the Preliminary Plat as submitted. Failure to submit a recommendation shall

not prohibit the Planning Commission from taking action on a complete application. If any agency/official recommends disapproval, its reasons for disapproval shall be fully stated in writing, including recommendations, modifications, or revisions.

- IV. The Zoning Administrator shall include all written comments received on the proposed plat application in the Findings of Fact & Recommendations report submitted to the Planning Commission.

D. PUBLIC HEARING

The Planning Commission shall conduct a public hearing on the preliminary plat in accordance with Section 18.7 of this Ordinance.

E. PRELIMINARY PLAT EVALUATION CRITERIA

The Planning Commission may seek technical or legal advice to aid in reviewing the proposed Preliminary Plat. The cost of this review may be billed to the applicant. In its review, the Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the County by providing for a healthy drinking water supply, adequate sewage treatment capacity, proper stormwater management, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses. The Planning Commission shall also consider, but not be limited to, the following criteria when reviewing a Preliminary Plat:

- I. Conformance of the preliminary plat with all applicable official controls and all state and federal laws.
- II. Consistency of the preliminary plat with the *Dodge County Comprehensive Land Use Plan*.
- III. Compliance with applicable standards of the Dodge County Zoning Ordinance.
- IV. The adequacy of the draft Development Agreement. The agreement must thoroughly describe the responsibilities, financial and otherwise, of all parties involved in the subdivision development construction and long term maintenance of on-site facilities.

- V. The adequacy of any proposed financial assurances for installation of improvements or long term maintenance of facilities
- VI. Consideration and protection given to natural and/or sensitive features.
- VII. The ability of the site to adequately treat sewage and stormwater.
- VIII. The ability of the site to provide adequate drainage and prevent localized flooding.
- IX. The ability of the site to provide an adequate supply of potable water that meets all drinking water standards.
- X. Consistency with land use comprehensive and future development plans of the adjacent affected municipality.
- XI. Verification that the road will be accepted by the applicable road authority and that the placement of any improvements would not interfere with maintenance activities
- XII. The Planning Commission shall also consider the applicants history of compliance with any previous development agreements and/or uncorrected violations/issues associated with the proposer's projects.

F. FINDINGS OF FACT AND RECOMMENDATIONS

The Planning Commission shall submit its Findings of Fact and Recommendations to the County Board. The recommendation may be conditional, and may recommend approval, denial or modification of all or part of the preliminary plat. The Planning Commission may also find that additional information is necessary to properly consider the plan. If the proposed Preliminary Plat is not recommended for approval, the applicant shall be notified of the reason, which would include reference to the Findings of Fact.

G. EXPIRATION

In the event an approved preliminary plat is not submitted to the County Board for final plat approval within two (2) years of County

Board approval of the Preliminary Plat, the plat shall become null and void.

H. PRELIMINARY PLAT AMENDMENTS

At any time after Preliminary Plat approval and before submission of the Final Plat, the applicant may request an amendment be made to the Preliminary Plat.

Proposed plat amendments shall require a public hearing pursuant to Section 18.7 of this Ordinance. The scope of the public hearing on any proposed plat Amendment shall be limited to the proposed amendment request and is subject to a new "sixty-day" approval timeframe which is separate from the original Preliminary Plat approval process.

The Planning Commission shall make a recommendation on any proposed plat amendment and may recommend or require modifications in the terms and conditions of the Preliminary Plat approval that are relevant to the proposed amendment. If the applicant is unwilling to accept the terms and conditions of the Planning Commission, the applicant may withdraw the proposed plat amendment.

20.9.4 FINAL PLATS

The Final Plat shall have incorporated all changes or modifications recommended by the Planning Commission. In all other respects, the Final Plat shall conform to the Preliminary Plat recommended for approval by the Planning Commission and approved by the County Board.

The Final Plat shall be in the form and with the content prescribed in the *"Plat Manual of Minimum Guidelines"*; or *successor manuals*, when applicable; and *Minnesota Statutes, Chapter 505*; or *successor statutes*.

The Final Plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes, Chapter 505; or successor and this Ordinance.

A. REQUIRED INFORMATION

The subdivider shall submit the following to the Zoning Administrator:

- I. Three full sized (24"x36") copy of the Final Plat
- II. One digital copy of 11" X 17" copy of the Final Plat
- III. A current Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment to the description of the property being platted which shall be addressed to the Dodge County Surveyor shall be submitted to the County Surveyor. For the purposes of this section, "*current*" shall mean that the document shall have originated within thirty (30) days or less at the date of submission of the Final Plat to the County Board for approval.
- IV. Covenant, Declaration, and Dedication Agreements, including easements and deed restrictions, that have been approved by the Planning Commission prior to approval of the Final Plat.
- V. Operation and Maintenance Agreement with qualified sewage treatment service provider and escrow account, if required.
- VI. The Development Agreement and any Subdivision Agreement recommended for approval by the Planning Commission which thoroughly describes the responsibilities of all parties involved in the subdivision development construction.
- VII. Any required financial performance, improvement or maintenance assurances or other escrows.
- VIII. A copy of the permit application for any community-type sewage treatment system and the required plans, including operations, maintenance, financing, monitoring and mitigation.

B. REPORTS REQUIRED

A Final Plat shall not be approved by the County Board without the following written reports/approvals:

- I. The County Surveyor shall have approved the Final Plat in writing as being in conformance with

Minnesota Statutes, Chapter 505; or successor statutes, and in conformance with the "Plat Manual of Minimum Guidelines"; or successor manual.

- II. The County Engineer shall provide written documentation on whether the Final Plat and proposed improvements including the road system conforms to the road standards of this Ordinance.
- III. When applicable, the County SSTS Coordinator shall provide written documentation that states whether the approved Final Plat and proposed subdivision conforms to the Chapter 21 of the Dodge County Zoning Ordinance, or successor and Minnesota Rules Chapter 7080 through 7083.
- IV. The Zoning Administrator shall provide written documentation on whether the Final Plat conforms to the Preliminary Plat recommended for approval by the Planning Commission and incorporates all changes that were requested by the Planning Commission.
- V. The County Attorney shall, upon the basis of the Opinion of Title provided by the subdivider's attorney, provide written documentation on whether the fee simple title of the platted property is in the sole ownership of the subdivider.
- VI. The Planning Commission shall by certify to the County Board the Final Plat conforms to this Ordinance and that its design and layout meets the standard and goals for orderly planning as set forth in the Dodge County Zoning Ordinance, township ordinance if applicable, and any other County Ordinance or approved plans.
- VII. The affected Township Board shall provide written documentation on whether the Final Plat is acceptable and all required improvements including roads, will be accepted by the township. If the township refuses to accept the road system as town roads, the Planning Commission shall notify the Dodge County Board and subdivider of the reasons given by the township. Final Plat approval cannot

occur on a plat with public roads that the affected township refuses to accept as a township road.

- VIII. If applicable, the affected City shall forward a written statement indicating whether the Final Plat is acceptable and all required improvements, including roads, will be accepted by the City upon annexation. If the city refuses to accept the road system as future city streets, the Planning Commission shall notify the Dodge County Board and subdivider of the reasons given by the city. Final Plat approval cannot occur on a plat with public roads that the affected city refuses to accept as future city streets.

C. FILING OF COMPLETE FINAL PLAT

The Final Plat shall be considered to be officially filed when the Department has reviewed all submitted information and has determined that all requirements have been met and all certifications required under Minnesota Statutes 505.021, Subd. 9 are obtained.

All reports and final copies of any restrictive covenants, subdivision agreements, development agreements, maintenance and operation contracts, declarations of restriction and any required financial securities shall be submitted with the Final Plat.

D. COUNTY BOARD REVIEW, APPROVAL, OR DENIAL

The Final Plat and all required information shall be reviewed by the County Board. The County Board shall approve or deny the Final Plat by resolution. The resolution shall include Findings of Fact and Recommendations supporting the approval or denial, and shall be entered into the proceedings of the County Board and transmitted to the applicant in writing.

E. RECORDING OF FINAL PLAT

If a Final Plat is approved by the Board, the subdivider shall record it within the Office of the County Recorder and/or Registrar of Titles within one (1) year after the date of approval otherwise the approval of the Final Plat shall become null and void.

SECTION 20.10 REGISTERED LAND SURVEYS

Registered land surveys pursuant to *Minnesota Statutes, Section 508.47; or successor statutes*, shall be reviewed and considered for approval in the same manner as a plat, as identified in Section 20.10, above.

SECTION 20.11 DESIGN STANDARDS

20.11.1 LOT AND BLOCK STANDARDS

A. GENERAL CONSIDERATION

The dimensions and shapes of Blocks, and Lots within Blocks, shall be determined with regard to:

- I. The provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.
- II. Zoning requirements as to lot sizes and dimensions, and provisions regulating off- street parking and loading spaces.
- III. Needs for convenient access, circulation, control and safety of street traffic.
- IV. Limitations and opportunities of topography.

B. LOT STANDARDS

I. LOT DIMENSIONS

The minimum lot area, lot width and lot depth shall meet the requirements of the Primary and/or Overlay Zoning District in which the proposed plat is located.

A reduction in lot size may be allowed as follows:

- a. For Major Subdivisions proposed in the Urban Expansion District (or successor Zoning District), the lot size may be reduced to one and one-half (1½) acres if a community type sewage treatment system is incorporated to serve the subdivision;

- b. Where municipal water and sewer will be constructed to serve the proposed subdivision, lot size shall be consistent with the standards of the city which it is adjacent to.

II. DEAD-END LOTS

Lots abutting the turning circle end of a public or private road cul-de-sac, Y-shaped, T-shaped or other dead-end turn-arounds shall have a minimum width at the building setback line of seventy (70) feet.

III. CORNER LOTS

Corner lots shall have sufficient width to meet appropriate setbacks from all roads.

IV. DOUBLE FRONTAGE LOTS

Double frontage lots shall be avoided except where lots back on a collector, arterial street or county road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty-five (25) feet in order to allow space for screen planting along the back lot line.

V. LOT REMNANTS

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

VI. LOTS FOR USES OTHER THAN RESIDENTIAL

Lots intended for commercial, industrial or any use other than single family residential shall be designed as such, and the lot shall be of adequate size to allow off street parking, loading areas, deliveries, stormwater management and such other facilities as are required to satisfy the Performance Standards for the Use and General Development standards of this Ordinance.

VII. LOT ACCESS

All lots shall have direct access to a public roadway.

C. BLOCK STANDARDS

I. BLOCK LENGTH

In general when determining block length, intersecting streets and roads shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets roads.

A pedestrian crossway with a minimum right-of-way of ten (10) feet may be required near the center of the block if determined necessary by the road authority.

The use of additional access ways to schools, parks and other destinations may also be required. If additional access ways are required, they should be located at road intersections. The design of the plat should take advantage of the natural amenities on site, and account for optimal traffic flow and adequate vehicle access.

II. BLOCK WIDTH

The width of a block shall normally be sufficient to allow one (1) tier of lots of appropriate depth. Blocks intended for commercial or industrial use shall be of such width as to be considered suitable for their respective use and provide for adequate off-street parking, loading and other facilities.

20.11.3 ROADS, STREETS, ALLEYS, & ACCESSES

The arrangement, character, extent, width and location of roads, street, alleys and accesses shall conform to the *Dodge County Comprehensive Land Use Plan* and the *Dodge County Access Control Plan*, as amended, any requirements of this Ordinance. The reviewers and Planning Commission shall take into consideration the location of any proposed road in relation to existing and planned roads, reasonable circulation of traffic, topographical conditions, runoff of storm water, public convenience and safety, and the relation to the proposed uses of the area to be served.

A. GENERAL PROVISIONS

I. PUBLIC TRAVEL

All roads and trails in a subdivision, except for private driveways, shall be open to public travel and shall be labeled on the plat as street(s) or avenue(s) as assigned by the County.

II. INTERSECTIONS

In so far as practical, roads and streets shall intersect at right angles and no intersection shall be at an angle of less than seventy (70) degrees. All roads and streets that do not intersect at right angles shall be reviewed by the Dodge County Highway Engineer to insure sufficient sight distance and traffic safety. Street/road intersections that are offset with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.

III. CONTINUITY

Except for permanent cul-de-sacs that meet the requirements of *Section 20.11.3.B of this Chapter*, roads should connect with roads already dedicated in adjacent platted property, provide for future connections to adjacent undeveloped property or should be a reasonable projection of roads in the adjacent property.

When a plat contemplates a future continuation of a road upon adjacent undeveloped property, a proposed road continuation plan which shows the location of the continued road across the adjacent property shall be included with the preliminary plat application and shall be submitted for review and comment by the Township and adjacent property owner(s).

B. DEAD-END ROADS

Dead-end roads, whether planned for future continuity or not, are permissible where practical, however, adequate provision for turn-arounds shall be provided in the form of cul-de-sac, T-shape, or other suitable means. (Illustrated in Exhibit E and incorporated by reference.)

I. CUL-DE-SAC

Permanent cul-de-sacs are those where future extension is unlikely or impractical due to lack of

access, existence of a natural feature or undevelopable land or insurmountable topography. Temporary cul-de-sacs are those designed to be extended at some time in the future to serve adjacent developable parcels.

Except for roads that have a road continuation plan meeting the requirements of Section 20.11.3.A.III of *this Chapter*, each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of ninety (90) feet and a minimum road and street property line diameter of one hundred twenty (120) feet shall meet the following requirements unless otherwise approved by the Planning Commission and/or Board:

- a. The minimum length of permanent cul-de-sacs shall be 1,320 feet;
- b. The cul-de-sac is measured from the centerline of the road of origin to the end of the right of way.
- c. In the event a developer proposes to reduce the minimum permanent cul-de-sac length as set forth above, a concept plan shall be approved by the Planning Commission and applicable Road Authority prior to submittal of the preliminary plat. The Planning Commission will consider but not be limited to the following:
 1. Width and length of road
 2. Parking, signage
 3. Lot sizes
 4. Number of lots
 5. Access for emergency services
 6. Location and potential impact on natural resources
 7. Cumulative review of how the road is

compatible with a Township or City road plan and its effect on traffic circulation

II. "T"-SHAPED DEAD END

The maximum length of a T-shaped dead end shall be one hundred and fifty (150) feet.

- C. A tangent (straight line of travel) of at least one hundred (100) feet long shall be introduced between curves of arterial or collector roads.

D. SIGHT CORNERS

All proposed roads intersecting a County Road shall include, within the platted right-of-way, sight corners. The design of such sight corners shall meet the standards described in the Minnesota Department of Transportation Road Design Manual or a design acceptable to the County Engineer.

E. ACCESS INTERVALS

Access to state highways is regulated and permitted by the Minnesota Department of Transportation (MnDOT). All private and public access to state highways shall acquire the appropriate permit from MnDOT prior to installation.

Access to county highways is regulated and permitted by the Dodge County Highway Department in accordance with the *Dodge County Access Control Policy*, as amended. All private and public access to county highways shall acquire the appropriate permit from the Dodge County Highway Department.

Access to township roads is regulated and permitted by the Township. All private and public access to township roads shall acquire the appropriate permit/approval from the affected township.

Minor street access to Township Roads shall not be permitted at intervals of less than four hundred (400) feet.

Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County, State or Federal highway, the Planning Commission may require a frontage road approximately parallel and adjacent to the boundary of such right-of-way for access. Unplatted strips controlling access to public roads shall not receive approval.

F. PHYSICAL STANDARDS

I. STREET GRADES

The grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than eight percent (8%), unless said grade is deemed acceptable by the County Engineer and the affected township.

II. STREET ALIGNMENT

The vertical and horizontal alignment standards on all streets shall be a twenty (20) miles per hour (MPH) minimum design speed for vertical curves and a fifteen (15) miles per hour (MPH) minimum design speed for horizontal curves, unless otherwise deemed acceptable by the County Engineer.

III. DESIGN REQUIREMENTS

The County Engineer's determination of road design requirements shall be based on the following minimum standards (See also *Township Subdivision Roadway Design Standards developed by the County Engineer Exhibit E*)

- a. The paved road driving surface shall be twenty-four (24) feet wide with a three (3) foot aggregate shoulder on each side. Road surface shall be a minimum of forty-one (41) feet wide if left as aggregate surface.
- b. To allow for normal driver reaction the recovery area of the "shoulder" shall be a minimum of three feet and a maximum of ten feet of aggregate on each side. Shoulder radius at road intersections shall be rounded at a radius of not less than forty (40) feet.
- c. Ditch in-slopes shall be one to four (1:4) or flatter, with a four (4) foot wide ditch bottom. All slopes shall be free of obstacles to a distance sixteen (16) feet from the traveled portion of the roadway.
- d. Back slopes may be variable, but not to exceed one to two (1:2).

- e. There shall be a minimum two (2) foot elevation separation from road shoulder to the ditch bottom.
- f. The road driving surface shall be covered with minimum of twelve (12) inches of stabilized gravel that meets Minnesota Department of Transportation Specification 3138, Class 2. Paved roads surfaces shall have a minimum of four (4) inches of bituminous meeting MnDOT specifications for low volume roads.
- g. Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant or to provide parking space in areas of intensive use.
- h. Accommodations for future trails along new road alignment should be included to promote alternative transportation and trail connectivity of the community. Design of any required trail shall meet the trail design standards of the MnDOT Bikeway Facility Design Manual and approved by the local road authority.
- i. All exposed slopes, ditches and areas where vegetation has been removed shall be covered with mulch material and seeded with appropriate grass seed. All exposed slopes shall also be stabilized to reduce erosion.

G. RIGHT OF WAY

The width of the right of way shall conform to the following requirements:

<u>Road Type</u>	<u>ROW Width</u>
I. Local Access or Twp Road	80 feet (40' from CL)
II. Frontage Road	50 feet (25' from CL)
III. County Road	120 feet (60' from CL)
IV. Pedestrian/Bike Trail (Interiors)	40 feet (20' from CL)
V. Pedestrian/Bike Trail (Frontage)	25 feet (Shared Row)
V. Alley	30 feet (15' from CL)

H. INCREASES IN RIGHT OF WAY

The Board may require right of way widths in excess of that required in *Section 20.11.3.G of this Chapter* if additional right of way is deemed necessary to satisfy the transportation needs of a proposed subdivision.

20.11.4 EROSION PREVENTION AND SEDIMENT CONTROL

An Erosion Prevention and Sediment Control plan in accordance with Chapter 17 of this ordinance shall be developed and implemented prior to any land disturbing or development activities.

20.11.5 STORM WATER MANAGEMENT,

A Storm Water Management Plan in accordance with Chapter 17 of this ordinance shall be developed and implemented to reduce the amount and protect the quality of storm water runoff that may be created during and after the process of development. All stormwater generated on site shall be routed through approved treatment areas prior to discharge.

- A. Wetlands and other water bodies shall not be utilized as hydrologic and/or sediment traps.
- B. Any proposed alteration, filling or creating of wetlands need to comply with the Minnesota Wetland Conservation Act and the US Clean Water Act
- C. Developments are subject to all MPCA permits, plans, construction, and other requirements
- D. The proposed development shall not increase the runoff rate of stormwater so as to cause and adverse effect upon adjacent lands.
- E. In instances when a storm water management facility will require future maintenance, the subdivider shall submit a plan that shall indicate how the facility will be maintained and who will be responsible for the maintenance of the facility.

20.11.6 WATER SUPPLY STANDARDS

Each lot shall be provided with a supply of potable water by an individual well, central water system or a public water supply. In areas where public water is not available, primary location(s) of the water supply well(s) shall be shown. Wells shall meet all applicable requirements of the Minnesota Department of Health and drinking water standards.

20.11.7 SEWAGE TREATMENT STANDARDS

A. SOIL BORINGS

For all sewage treatment or support systems, the location of the borings and elevation of soil restriction shall be surveyed and shown on the GDCP. The location of borings and elevation of the soil restriction for all sewage treatment areas shall be identified in the Restrictive Covenants documentation. Soil borings shall be performed in accordance with Minnesota Rules Chapter 7080 through 7083, as amended and following guidance provided in the *Manual for Septic System Professionals In Minnesota*, or successor.

B. INDIVIDUAL SEWAGE TREATMENT SYSTEMS (ISTS)

All individual sewage treatment systems shall comply with Chapter 21 of this Ordinance, or successor and Minnesota Rules Chapters 7080 through 7083, as amended. The location of the sewage treatment and support systems (including all setbacks) shall be identified in the GDCP and in the Restrictive Covenants documentation. The location of the ISTS and support areas shall be physically protected from disturbance in accordance with Chapter 21 and 20.11.7.II of this Ordinance.

I. SECONDARY AND TERTIARY TREATMENT AREAS

Subdivisions with Individual Sewage Treatment shall reserve land area for two (2) secondary replacement systems, in addition to the primary system installed with the subdivision. The location of these shall be identified in the Restrictive Covenants and protected from development.

II. SITE FENCING AND STAKING:

Both the primary, secondary and tertiary soil dispersal sites shall be fenced or roped prior to any land disturbing or development activities.

- a. The fence shall consist of four-foot high orange construction fence, wooden snow fence, or two strands of weatherproof high-visibility roping attached to posts placed no more than 20 feet apart with either high visibility ribbon at least one-half inch wide tied to the rope no more than 6 feet apart or signs no smaller than 16 inches by 20 inches no more than 20 feet apart, that clearly identify the soil dispersal area and prohibit trespass.
- b. The fencing or roping, stakes, and signs shall be clearly visible at least two feet above surrounding vegetation.
- c. The choice between fencing and roping with signs shall be at the discretion of the designer and developer and should take into consideration any risk such barrier may present.
- d. Protection of the primary, secondary, and tertiary sites as described in items I & II must remain in place until commencement of construction of the septic system soil dispersal primary site.

The location of the ISTS and support areas shall be physically marked in accordance with the requirements in Chapter 21 of this Ordinance.

C. COMMUNITY SEWAGE TREATMENT SYSTEM

A community type sewage treatment system must be consistent with Chapter 21 of this Ordinance, or successor and Minnesota Rules Chapters 7080 through 7083, as amended. The location of the community system and support areas shall be physically protected from disturbance in accordance with Chapter 21 and 20.11.C.III of this Ordinance

Community Sewage Treatment systems shall include a Dodge County approved operating, financing, management, maintenance and monitoring plan. The system shall be owned by the properties using the system, unless powers are formally transferred to a public entity or properly licensed service provider. The developer shall be responsible for all cost associated with construction in accordance with the Development Agreement. In addition, the developer shall

be responsible for costs associated with repair, maintenance and monitoring until a Homeowner's Association is formed.

I. FINANCIAL ASSURANCE

- a. As a part of the Financial Plan for the system, owners of a community sewage treatment system are required to maintain a perpetual escrow account, trust, or similar funding mechanism that provides for future sewage treatment system repair, replacement, and/or future connection to a municipal wastewater treatment system.
- b. The amount of the fund will be estimated using a twenty (20) year replacement/hook-up schedule in current costs with inflationary adjustments. Construction estimates will be based on present day value with annual inflationary adjustments derived from the Annual Implicit Price Deflator for Gross National Product as found in the Survey of Current Business issued by the U.S. Department of Commerce. The financing shall be in place before subdivision approval.

II. SERVICE PROVIDER REQUIRED

Community Sewage Treatment systems shall require a contract with an appropriately MPCA licensed service provider and an operating permit which shall be submitted to the Environmental Services Department. The costs associated with any contract, maintenance, monitoring, testing and the annual fee shall be included in the Financial Plan for the community system provided for in Sections 20.11.6.C.I and 20.14.3.

III. SITE FENCING AND STAKING:

Both the primary, secondary and tertiary soil dispersal sites shall be fenced or roped prior to any land disturbing or development activities.

- a. The fence shall consist of a minimum of three-foot

high silt fence, construction fence, wooden snow fence with highly visible markers attached every 20 feet or two strands of weatherproof high-visibility roping attached to posts placed no more than 20 feet apart with either high visibility ribbon at least one-half inch wide tied to the rope no more than 6 feet apart or signs no smaller than 16 inches by 20 inches no more than 20 feet apart, that clearly identify the soil dispersal area and prohibit trespass.

- b. The fencing or roping, stakes, and signs shall be clearly visible at least two feet above surrounding vegetation.
- c. The choice between fencing and roping with signs shall be at the discretion of the designer and developer and should take into consideration any risk such barrier may present.
- d. Protection of the primary, secondary, and tertiary sites as described in items I & II must remain in place until commencement of construction of the septic system soil dispersal primary site.

IV. SECONDARY AND TERTIARY TREATMENT AREAS

Subdivisions with a Community Sewage Treatment shall reserve land area for two (2) secondary replacement systems, in addition to the primary system installed with the subdivision. The location of these shall be identified in the Restrictive Covenants and protected from development. The location of these shall be flagged in accordance with Chapter 21 prior to any land disturbing or development activities.

V. ADDITIONAL TREATMENT TECHNOLOGIES

To protect groundwater, the County may require additional sewage treatment technologies such as aeration and filtration and may require additional monitoring for community systems that are located in areas identified as being highly sensitive to groundwater contamination.

VI. NO DESIGN EXCEEDANCE

Where community sewage treatment systems are present, no plat, replat, bedroom addition, or other activity will be allowed where the design flow or capacity will be exceeded.

D. PUBLIC FACILITIES

For those subdivisions with public sanitary sewer and water facilities, the facilities shall be installed in accordance with the standards and specifications as required by the local, state and federal jurisdictions.

20.11.8 OPEN SPACE REQUIREMENTS

Each subdivision shall have dedicated land for open space that will be secured by permanent conservation easements, deed restrictions, or deed covenants. Such sites shall be shown on the plat and shall comply with the Dodge County Comprehensive Land Use Water Management Plan, and other related approved plans.

A. GENERAL DESIGN

Priority shall be given to preservation of scenic and historic sites, wetlands, streams, shoreland zones, riparian corridors, and plant communities. The plat shall include plans for trails for public use to promote connectivity between adjacent development and public spaces and provide a safe alternative for pedestrian traffic. Where possible, designated open space shall be contiguous with open space uses on adjacent parcels in order to provide large expanses of open space.

B. URBAN EXPANSION/URBAN EXPANSION RESIDENTIAL

At least 10% of a residential Major Subdivision plat outside of the required buildable area shall be open space. The open space shall be contiguous and designated as an Outlot with development restriction on the plat. When planning for open space, the developer shall seek to connect new open spaces with designated public open spaces and trails in and around existing developments for continuity.

- I. The primary purpose of the open space is to provide active or passive recreational opportunities to landowners within the plat. The open space does not need to be directly accessible to the general public; however, trail corridors between and through open

space areas or included as part of the plat should serve to provide pedestrian/biking corridors for the general public.

- II. The open space can be woodland and grassland in a natural condition, or outdoor recreational facilities such as play grounds and trails, but no more than 50% of the open space shall be wetland or floodplain.
- III. Area reserved for the primary, secondary or tertiary sewage treatment systems cannot be considered as open space.

C. RURAL RESIDENTIAL

At least 40% of the plat in a Rural Residential Subdivision outside of the required buildable area shall be open space. The open space shall be one contiguous lot which is designated as an Outlot with restrictions which provide for open space public uses. When planning for open space, the developer shall seek to connect new open spaces with open spaces designated in existing developments for continuity.

- I. The primary purpose of the open space is to preserve the rural character of the area and to provide active or passive recreational opportunities to landowners in the plat. The open space does not need to be directly accessible to the general public; however trail corridors between and through open space areas or included as part of the plat should serve to provide pedestrian/biking corridors for the general public.
- II. The open space can be agricultural land, pasture, and/or woodland and grassland in a natural condition; no more than 50% of the open space shall be wetland, floodplain or agricultural land.
- III. Area reserved for the primary, secondary, or tertiary sewage treatment systems cannot be considered as open space.

SECTION 20.12 EASEMENTS AND DEED RESTRICTIONS

Required easements, deed restrictions, and deed covenants shall be filed in the County Recorder's Office as part of the Final Plat. All public easements shall be

dedicated with appropriate language on the plat as required by Minnesota Statutes 505.021, subdivision 7, or successor.

20.12.1 SPECIFICATIONS

Easements and Deed Restrictions must specify:

- A. What entity will maintain the specific easement or designated open space and to what standards it will be maintained;
- B. The purposes of the specific easement /deed restriction and/or the conservation values of the property;
- C. The legal description of the land under the specific easement;
- D. The restrictions on the use of the land and/or restriction from future development of the land;
- E. Who will have access to the specific easement or open space.

20.12.2 UTILITY EASEMENTS

- A. All public utility lines for telephone, natural gas and electric service shall be placed within easements or dedicated public ways. Underground installation of utilities should be installed where possible. 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 utility installations, which traverse privately owned property.
- B. Whenever necessary, utility easements at least ten (10) feet wide shall be provided for utilities where utilities may be reasonably anticipated. If necessary, the Board may require easements of greater width.
- C. Utility easements shall have continuity of alignment from block to block and connect with utility easements established in adjoining properties. Utility easements, when approved by the Board, shall not thereafter be changed without the approval of the Board, upon recommendation by the Planning Commission.

D. DRAINAGE EASEMENTS

- I. Drainage and Wetland easements shall be required where necessary to ensure proper drainage and to protect both the interests of the public and the environment. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet by maintaining or replacing the natural watercourse.
- II. Where a subdivision is traversed by or contains a watercourse, drainage way, channel or stream, a storm water easement or drainage right of way conforming substantially with the lines of the watercourse shall be provided, together with such further width as will be adequate for the storm water drainage of the area. The County Highway Engineer shall determine the required width of such easement.
- III. Drainage easements shall connect with easements established on adjoining properties. These easements, when approved, shall not hereafter be changed without the approval of the County Board, upon the recommendation of the Planning Commission.

SECTION 20.13 SUBDIVISION IMPROVEMENTS

Before a Final Plat is approved by the Board, the subdivider shall execute and submit to the Board the final Development Agreement that shall assure that all improvements required under the provisions of this Ordinance shall be completed. The Development Agreement shall stipulate that no permit of any type shall be issued until all improvements required by this Ordinance have been made or arranged for in the manner prescribed in this Ordinance.

The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision.

All of the required improvements shall be designed, installed, inspected and certified by the appropriate county staff, appropriate State of Minnesota licensed and/or certified professional during the course of construction. All of the inspection costs shall be paid by the subdivider. In cases where water, sewer and/or other utilities are installed, drawings showing all improvements as-built shall be filed with the County Engineer.

20.13.1 MONUMENTS AND MARKERS

All improvements under this section are required to be prepared by a Land Surveyor licensed in the State of Minnesota.

- A. All subdivision boundary corners, witness corners, lot and block corners, and points of tangency and curvature shall be marked with durable iron or steel survey monuments and be identified as required by MN Statutes Chapter 505, as amended and shown on the face of the plat.
- B. All plat monuments shall be placed in the ground prior to recording of the plat with the County Recorder. Delayed staking of any plat monument will be prohibited.
- C. At all section, quarter section, meander, or witness corners of the Government Survey (Public Land Survey System, or P.L.S.S.) within the subdivision, or on its perimeter, or otherwise as shown on the face of the plat, a Dodge County Monument shall be placed and a "Certificate of Location of a Government Corner" be filed with the County Surveyor, if one is not already of record for said corner, or if the one of record should be updated. The notation, "Dodge County Land Survey Monument" shall be placed on the face of the plat by each monument so shown.

20.13.2 ROADS

- A. The right-of-way of each road dedicated in the plat shall be cleared and improved to include a roadway surface and storm water drainage system in compliance with applicable county and/or township specifications.
- B. Improvement of an existing road may be required, at the Developer's expense, when the existing road is determined to be insufficient to carry the projected traffic flow of the new development and/or to address public safety issues identified by the local Road Authority.

- C. Road name signs shall be placed at each intersection. To avoid duplication, road names shall be approved by the County.
- D. County approved street lighting may be installed at developer's expense at all intersection with county roads at the discretion of the County Engineer and at all intersections with state highways as required by the Minnesota Department of Transportation.
- E. Traffic Control Signs. Traffic control signs shall be placed wherever the appropriate Road Authority deems necessary.
- F. Mailboxes for the subdivision shall be grouped in a manner approved by the road authority.

20.13.3 STORMWATER MANAGEMENT

Storm water management facilities shall be accomplished in accordance with the provisions of the submitted and approved Stormwater Management Plan, any required MPCA Stormwater permit, and standards and specifications for road construction as approved by the County Highway Engineer. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision.

20.13.4 SANITARY SEWER & SEWAGE TREATMENT

In all cases, the subdivider shall be required to connect to municipal trunk line sewers when available. When not available, ISTS or community sewage treatment systems approved by the SSTS Program Manager and/or the MPCA according to Chapter 21 of this Ordinance and Minnesota Rules 7080-7083 shall be utilized.

20.13.5 WATER SUPPLY

Where a connection with a community water system is possible, the public water shall be used. When not available, safe and potable water meeting all drinking water standards shall be provided by a central distribution system serving the subdivision or by individual wells. In all cases, wells must meet Minnesota Department of Health requirements.

SECTION 20.14 FINANCING AND AGREEMENTS

20.14.1 FINANCIAL AGREEMENT

Before a Final Plat is approved by the County Board, the subdivider shall be required to submit a Financial Agreement which includes a performance bond, cash escrow or irrevocable letter of credit for completion of the required improvements. The performance bond or cash escrow agreement shall be equal to one and one-quarter (1 ¼) the estimated cost of the required improvements. The agreement shall assure the following:

- A. That the subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the cost of any trunk facilities and/or safety improvements to be extended to the subdivision with the exception of individual wells and individual sewage treatment systems. The county may elect to install any of the required improvements under the terms of a cash escrow agreement.
- B. Guaranteed completion of the required improvements within a two (2) year time period. If the required improvements are not complete within the two (2) year period, all amounts held under the financial agreement will be applied to the cost of the required improvements. Any balance remaining after such improvements have been made, shall be returned to the subdivider.
- C. Guaranteed payment by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, County Engineer and County Surveyor, as well as other related costs. This payment is in addition to any county subdivision plat application fees.

20.14.2 DEVELOPMENT AGREEMENT

In order to define the rights and obligation of the subdivider in regard to any plat that is given conditional approval by the Board, a Development Agreement, in accordance with the template in Exhibit F of this Ordinance shall be entered into between the project developer, the affected township and the Board.

20.14.3 SEWAGE TREATMENT FINANCIAL PLAN

Where a community system serves a major subdivision, a Financial Plan compliant with Section 20.11.6.C.I of this Ordinance shall be required. The Developer shall be responsible for the portion of the sewage treatment financial plan, including costs for on-going

maintenance and replacement, for the unsold lots in the subdivision until all lots are sold.

20.14.4 OTHER COSTS FOR REVIEW

In the event that an environmental assessment worksheet (EAW), environmental impact statement (EIS), or any additional studies are required, the subdivider or developer shall be responsible for all cost for such studies. These costs shall include: the hourly rate of County staff plus benefits; copies and postage; and any additional outside services which may be required by the County. The County shall be reimbursed for all costs related to these studies and may require a cash deposit or equivalent bond to guarantee the reimbursement of these costs to the County.

SECTION 20.15 URBAN EXPANSION RESIDENTIAL DISTRICT "XR"

The following standards apply for single family residential subdivision plats rezoned and permitted under the standards and process of this Chapter.

20.15.1 PERMITTED USES

- A. *One Single Family Primary Dwelling Unit* on an individual buildable lot;
- B. Public open space, including but not limited to, parks and public non-motorized trails;
- C. *Minor Essential Services*;
- D. *Home Occupations* provided the septic system provisions of Chapter 21 are met;
- E. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same lot.

20.15.2 INTERIM USES

- A. *Limited Rural Business* provided the proposed use meets the septic regulations of Chapter 21 and the use is determined to be compatible with single family residential development by the Dodge County Planning Commission.

20.15.3 GENERAL SETBACKS

Unless there are specific setbacks listed in Chapter 16 of this Ordinance

for the *Permitted Uses* listed in the Urban Expansion Residential Zoning District, following general setbacks apply:

DISTANCE FROM: TO: RESOURCE/USE	PRINCIPAL STRUCTURE SETBACK (FT)	ACCESSORY STRUCTURE SETBACK (FT)
Septic/Pump Tank	10'	10'
Drainfield*	20'	20'
Well	3'	3'
Road right of way	25'	25'
Property Line	25'	10'
Easements	5'	5'

Minnesota Rules Chapters 7080-7083, the distance of a structure to a drainfield may be reduced if it is determined that the structure will not have an adverse effect on the drainfield. The Department SSTS staff shall make the final determination on when this applies.

20.15.4 LOT DIMENSIONS

Minimum lot dimensions are determined through the platting process defined in this Chapter.

20.15.5 IMPERVIOUS SURFACE COVERAGE

Impervious surface coverage shall meet the performance standards of Chapter 16, when applicable. Structures located in the Shoreland Overlay District shall comply with impervious surface standards of Chapter 14.

20.15.6 HEIGHT LIMITS

Structures are governed under the performance standard for the use, when identified.

Structures located within an Airport Zone, emergency services corridor, or located in the Shoreland Overlay District shall comply with the applicable height limitations.

20.15.7 ACCESSORY USES- KEEPING OF ANIMALS

- A. The keeping of domestic animals shall not meet the definition of a “kennel” under Chapter 4 of this Ordinance.
- B. The keeping of animals shall meet the applicable provisions of Section 17.15.1 of this ordinance.
- C. The keeping of *Farm Animals* regulated under MPCA Chapter 7020 (Feedlot) Rules is prohibited, unless the property owner provides the following written verifications to the Department:

- I. The property owner obtains written verification from the adjacent city that the *Farm Animals* proposed are currently allowed within the city limits and would meet all city requirements regarding type, number, sex, housing, etc.
- II. The property owner provides a copy of the Restrictive Covenants for the subdivision which indicates that the keeping of *Farm Animals* is allowed as an accessory use.
- III. The property owner obtains written approval from the adjacent neighbors and Homeowner's Association, when applicable
- IV. The keeping of animals does not create feedlot conditions.
- V. The property owner registers the *Farm Animals* on a county registration form and follows all applicable rules for siting and manure management.

CHAPTER 21 SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)

SECTION 21.1: SCOPE

This Chapter regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all *SSTS* within the *County's* applicable jurisdiction including, but not necessarily limited to individual *SSTS* and *cluster* or *community SSTS*, privy vaults, and other non-water carried *SSTS*. All sewage generated in unsewered areas of the *County* shall be treated and dispersed by an approved *SSTS* that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Chapter or by a system that has been permitted by *MPCA*.

SECTION 21.2 JURISDICTION

This Chapter shall include all lands of the *County* except for cities or towns that administer a Subsurface Sewage Treatment System (*SSTS*) program by Ordinance within their jurisdiction, which is at least as strict as this Chapter. The Department shall keep a current list of local jurisdictions within the *County* administering a *SSTS* program.

SECTION 21.3 ADMINISTRATION

21.3.1 COUNTY

The Dodge County Environmental Services Department shall administer the *SSTS* program and all provisions of this Chapter. The *County* shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the *SSTS* program.

A. SEPTIC PERMITTING

A Qualified Employee of the *Department* or licensed inspection business authorized by Dodge County shall review and process the Septic Permit application in accordance with the provisions of Section 18.17 of this Ordinance.

B. SOIL VERIFICATION

A Qualified Employee of the *Department* or licensed inspection business authorized by Dodge County shall perform a soil verification of periodically saturated soil or bedrock at the proposed soil and dispersal site. The soil verification must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions. The designer shall contact the *Department* or its authorized agent to vary the most restrictive boring of the designer's field evaluation. If there is a dispute between the two verifying inspectors, the disputing parties must follow the dispute resolution procedure described in 7082.0700, Subp.5.

C. SSTS INSPECTIONS

A *Qualified Employee* of the *Department* or licensed inspection business authorized by Dodge County may perform various SSTS compliance inspections to periodically assure that the requirements of this Chapter and Minnesota Rules Chapter 7080-7083 are met.

All inspections shall be documented on a form approved by the *Department*.

D. RECORD RETENTION

The *Department* shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance required, *certificates of compliance*, *notices of noncompliance*, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the *County* sorted by licensed installation businesses, and other records relevant to the system.

E. STATE NOTIFICATION OF SSTS VIOLATIONS

In accordance with state law, the *Department* shall notify the *MPCA* of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person of any sewage removal by a licensed pumper that is performed in violation of the provisions of this Chapter.

F. ANNUAL REPORTING

The *Department* shall provide an annual report of SSTS permitting activities to the *MPCA* by the date specified by the *MPCA*.

G. PUBLIC EDUCATION OUTREACH

Programs shall be provided by the *Department* and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational material through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance and management.

H. EXISTING SSTS

In order to meet water quality goals, the *County Board* may, from time to time, adopt by resolution programs to accelerate SSTS compliance. The resolution may identify specific geographic areas, timelines for compliance, establish incentives, target specific system types, and may include such other provisions as necessary to accomplish the goals

21.3.2 STATE OF MINNESOTA

Where a single *SSTS* or group of *SSTS* under single ownership within one-half mile of each other, having a design flow greater than 10,000 gallons per day, the owners or owners shall make application for and obtain a State Disposal System permit from *MPCA*. For any *SSTS* that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required.

SSTS serving establishments of facilities licensed or otherwise regulated by the *State* shall conform to the requirements of this Chapter.

21.3.3 CITIES AND TOWNSHIPS

Any jurisdiction within the *County* that regulates *SSTS* must comply with the standards and requirements of this Chapter. The standards of the jurisdiction may be administratively and technically more restrictive than this Chapter.

21.3.4 FEDERAL JURISDICTION

All owners of new or replacement *SSTS* that are considered to be *Class V Injection Wells*, as defined in the *Code of Federal Regulations, Title 40, part 144*, are required by the Federal Government to submit *SSTS* inventory information to the Environmental Protection Agency as described in CFR40, part 144. Further, owners are required to identify all *Class V Injection Wells* in property transfer disclosures.

SECTION 21.4 SSTS STANDARDS

21.4.1 STANDARDS ADOPTED BY REFERENCE

The *County* adopts by reference Minnesota Rules, Chapter 7080 and 7081 in their entirety as now constituted and from time to time amended or subsequently adopted. This adoption does not supersede the *County's* right or ability to adopt local standards that are in compliance with Minnesota Statutes 115.55.

21.4.2 DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING

Table IX ("Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detailed Soil Descriptions" and Table IXa ("Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Percolation Tests") from Minnesota Rules, Chapter 7080.2150, Subp.3 (E) shall be used to determine the hydraulic loading rate and infiltration area for all *SSTS* permitted under this Chapter.

21.4.3 AMENDMENTS TO THE ADOPTED STANDARDS

A. SPECIFIC COUNTY LIMITATIONS AND STANDARDS

- I. Unlicensed owners are prohibited from constructing a pressurized *SSTS*.
- II. Only Type I, Type II, Type III and Type IV *SSTS* are allowed.
- III. A compliance inspection of an *existing system* is required at the time of property transfer. If the system is issued a “*notice of noncompliance*”, the system must be installed, or an escrow account set up before the property is transferred.
- IV. When replacing, in whole or in part, an existing dwelling, the size of the system must be in compliance with *MPCA* sizing requirements.
- V. When adding a *bedroom* to an existing dwelling the size of the system must be in compliance with *MPCA* sizing requirements.
- VI. A compliance inspection of the *existing system* is required when living space of 120 square feet or greater is added to a dwelling. If the system is issued a “*notice of noncompliance*”, the system must be upgraded according in accordance with the time frames identified in Section 21.9 of this Chapter.
- VII. Dodge County does not allow *holding tanks* for seasonal dwellings. All dwellings are required to have a *SSTS* with a drainfield installed.
- VIII. All new or *replacement dwellings* shall be sized on a classification I *design flow*. A dwelling *design flow* classification II may be allowed with conditions and approval by the *Department*.
- IX. *Existing systems* serving a dwelling(s) must meet sizing requirements of Minnesota Rules Chapter 7080.1850 and 7080.1860 for the number of *bedrooms*
- X. *Existing systems* serving *other establishments* must meet sizing requirements of Minnesota Rules Chapter 7080.1880 and 7081.0130.
- XI. All *replacement dwellings* shall have a secondary soil dispersal site identified in the septic system design.

21.4.4 VARIANCES

A. DODGE COUNTY ZONING ORDINANCE

Variance from local standards identified in the Dodge County Zoning Ordinance shall be administered in accordance with Section 18.11 of this Ordinance.

B. STATE STANDARDS AND REQUIREMENTS

Variances from the standards and requirements of the State of Minnesota must be approved by the affected State Agency.

SECTION 21.5 SSTS PRACTITIONER LICENSING

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair maintenance, or pumping of *SSTS* without an appropriate and valid license issued by *MPCA* in accordance with Minnesota Rules Chapter 7083, except as exempted in 7083.0700.

Per Section 21.4.3.A.I, Dodge County limits the license exemption set forth in Minnesota Rules Chapter 7083.0700 by not allowing unlicensed owners to construct a pressurized *SSTS*. Dodge County may require any person seeking any exemption listed in 7083.0700 to attend *MPCA* certified *SSTS* construction training and/or sign and have on record at the *Department* an agreement indemnifying the *County* against claims due to the failure of the landowner to comply with any provision of this Chapter.

SECTION 21.6 LIABILITY

Any liability or responsibility shall not be imposed upon the *Department* or Agency or any of its officials, employees, or other contract agent for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

SECTION 21.7 PROHIBITIONS

21.7.1 SEWAGE DISCHARGE TO GROUND SURFACE OR SURFACE WATER

It is unlawful for any person to construct, maintain, or use any *SSTS* system regulated under this Chapter that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the *National Pollutant Discharge Elimination (NPDES)* system program by the *MPCA*.

21.7.2 SEWAGE DISCHARGE TO A WELL OR BORING

It is unlawful for any person to discharge raw or treated wastewater into any

well or boring as described in Minnesota Rules Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Chapter.

21.7.3 DISCHARGE OF HAZARDOUS OR DELETERIOUS MATERIALS

It is unlawful for any person to discharge into any treatment system regulated under this Chapter any hazardous or deleterious material adversely affects the treatment or dispersal performance of the system or groundwater quality.

SECTION 21.8 GENERAL REQUIREMENTS

21.8.1 RETROACTIVITY

A. ALL SSTS

Except as explicitly set forth in Section 21.8.1.B below, all provisions of this Chapter shall apply to any SSTS regardless of the date it was originally permitted.

B. EXISTING PERMITS

Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration.

C. SSTS ON LOTS CREATED AFTER JANUARY 23RD, 1996

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, rapidly permeable soils, mounds and at-grade systems (Type 1 Systems) as described in Minnesota Rules, Chapters 7080.2200 through 7080.230 or site conditions described in 7081.0270, Subp. 3 through 7.

21.8.2 SSTS IN FLOODPLAINS

SSTS shall not be located in a *floodway* and wherever possible, location within any part of a *floodplain* must be avoided. If no option exists to located the SSTS outside of a *floodplain*, location within the *flood fringe* is allowed if the requirements in Minnesota Rules, Chapter 7080.2270, as amended, and Chapter 15 of this Ordinance.

21.8.3 HOLDING TANKS

Holding tanks may be allowed:

- A. As replacement for an existing failing SSTS where no other viable option for a *subsurface sewage treatment system*

exists.

- B. As a temporary use falling between the dates of November 15 to June 1 of the following year for new residential construction completed when an approved Septic Permit is on file with the *County* and the ground is frozen or the soil is above the plastic limit not allowing the full soil treatment and dispersal system to be installed.
- C. As a temporary mitigation method for SSTS that pose an *imminent threat to public health and safety* while the system is in the process of being upgraded.
- D. For-non-dwellings that have intermittent or very low water use.
- E. Holding Tank Provisions
 - I. *Holding tanks* shall be installed in accordance with Minnesota Rules Section 7080.2290
 - II. Owners of *holding tanks* shall provide to the *Department* a copy of valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the *holding tank* contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, Section 115.56, Subdivision 3, paragraph (b), clause (3).

21.8.4 TYPE IV SSTS

- A. Type IV SSTS may be allowed:
 - I. As a replacement for an existing failing SSTS where a Type I or Type III SSTS are not viable options for treatment of sewage.
 - II. For commercial or industrial buildings with a flow greater than 2500 gallons per day.

- B. Type IV SSTS provisions:
 - I. Type IV systems shall be designed and installed in accordance with Minnesota Rules Chapter 7080.2350, or successor;
 - II. An operation permit is required for the discharge of sewage to the Type IV system in accordance with Sections 18.18 of this Ordinance;
 - III. Permit applicants of a Type IV system shall obtain a monitoring contract with a licensed service provider prior to the installation of the system.

SECTION 21.9 UPGRADE, REPAIR, & REPLACEMENT

21.9.1 SSTS CAPACITY OF EXPANSIONS

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Chapter at the time of expansion.

21.9.2 FAILURE TO PROTECT GROUNDWATER

A Except as provided for in 21.9.2.B, an SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules Chapter 7080.1500, Subp.4. B, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Chapter within two (2) years of the receipt of a notice of noncompliance.

B. An SSTS on a property identified in EXHIBIT P, that is determined not to be protective of groundwater in accordance with Minnesota Rules Chapter 7080.1500, Subp.4. B, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Chapter no later than December 31, 2031.

21.9.3 IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY

An SSTS that is determined to be an *imminent threat to public health and safety (ITPH)* in accordance with Minnesota Rules Chapter 7080.1500, Subp. 4.A, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Chapter within ten (10) months of receipt of a *notice of noncompliance*.

When a discharge to the road right of way is observed during construction within the *road right-of-way (ROW)*. All properties having a direct discharge to the ROW will constitute an ITPH and will need to be upgraded within 10 months of the notification by the *Department*. The *County* or Township will not compensate landowners for required repair or replacement of septic systems that are failing or that are located in the ROW.

21.9.4 SSTS EXISTING SYSTEM SIZING

An *existing* SSTS that does not meet sizing requirements as specified in 21.12.2.C.IV shall be considered nonconforming and shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Chapter within two (2) years of the receipt of a notice of nonconformity.

SECTION 21.10 SSTS PERMITTING

21.10.1 SEPTIC PERMIT REQUIRED

A Septic Permit is required for:

- A. Installation of a new SSTS;
- B. Replacement of an existing SSTS;
- C. Any repair or replacement of components that will alter the original function of the system;
- D. Change of the treatment capacity of the system;
- E. Change of the location of the system;
- F. Change of the original system's design, layout, or function;
- G. Reconstruction of a soil dispersal area and/or a soils dispersal system;
- H. Replacement of treatment and/or pump tanks.
- I. A *bedroom* addition to the existing dwelling where the SSTS does not meet the required *design flow* according to Minnesota Rules 7080.1860, regardless the date of the addition of the *bedroom*.

21.10.2 NO SEPTIC PERMIT REQUIRED

A septic permit is not required for:

- A. Installation or repair of the solid sewer pipe (building sewer) or other mains and collection systems installed in front of the septic or *holding tanks*, unless otherwise required by rule.
- B. Installation or repair of the solid sewer pipe from the septic tank to the first distribution or drop box.
- C. Repair or replacement of pumps, floats, or other electrical devices of the pump.
- D. Repair or replacement of baffles in the septic tank.

21.10.3 NEW OR REPLACEMENT DWELLINGS:

- A. All new or *replacement dwellings* shall be sized on a classification I *design flow* as set forth in Minnesota Rules 7080.1860 Table IV or its successor. If the lot area does not permit for a classification I *design*

flow, a dwelling *design flow* classification II may be allowed with conditions and approval by the *Department*.

B. All *replacement dwellings* shall have a secondary soil dispersal site identified in the septic system design.

C. Site Fencing and Staking:

Both the primary and secondary soil dispersal sites shall be fenced or roped prior to applying for a permit to construct an *SSTS*.

I. The fence shall consist of four-foot high orange construction fence, wooden snow fence, or two strands of weatherproof high-visibility roping attached to posts placed no more than 20 feet apart with either high visibility ribbon at least one-half inch wide tied to the rope no more than 6 feet apart or signs no smaller than 16 inches by 20 inches no more than 20 feet apart, that clearly identify the soil dispersal area and prohibit trespass.

II. The fencing or roping, stakes, and signs shall be clearly visible at least two feet above surrounding vegetation.

III. The choice between fencing and roping with signs shall be at the discretion of the designer and property owner and should take into consideration any risk such barrier may present.

IV. Protection of the primary and secondary sites as described in items I & II must occur prior to submission of a Septic Permit and remain in place until commencement of construction of the septic system soil dispersal primary site.

D. Preservation of secondary or additional sites:

I. An area which has been identified for future use as an *SSTS* site shall be maintained in its original, natural soil condition so a future *SSTS* or device may be constructed that meets all Ordinance requirements unless a substitute site acceptable to the *Department* can be identified and maintained.

II. Damage or encroach upon an identified secondary site is prohibited unless a substitute site, acceptable to the *Department* can be identified and maintained. In situations where a site is not available, a *permit* shall not be issued which will result in damage to or encroach upon a possible partial site.

21.10.4 SEPTIC PERMIT REQUIRED TO OBTAIN ZONING PERMIT

For any property on which a Septic Permit is required, a Zoning Permit may not

be issued until a complete Septic Permit application is obtained unless the following is applicable;

- A. Any property on which a Septic Permit is required, a Zoning Permit may be issued during frozen ground time between November 15th and April 15th, when an SSTS cannot be designed due to frozen soil conditions; an escrow agreement shall be required to assure the design and installation of a new SSTS.
 - I. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution, listing Dodge County as the Authorized Release Agents and;
 - II. A copy of the escrow agreement shall be submitted to the *Department* in order to obtain a Zoning Permit.
 - III. The amount escrowed shall be equal to:
 - a. One hundred twenty-five percent (125%) of a written estimate to design and install a complying SSTS provided by a licensed and certified installer; or
 - b. One hundred ten percent (110%) of the written contract price for the design and installation of a complying SSTS provided by a licensed and certified installer.
 - IV. A complete Septic Permit application shall be submitted the following June 1. Failure to submit a complete Septic Permit application by June 1 may result in revocation and/or denial of the Zoning Permit.
 - V. After a complete Septic Permit application has been accepted by the *Department* the escrow agent must request permission from Dodge County to release the escrow funds.

21.10.5 CONFORMANCE TO PREVAILING REQUIREMENTS

Any activity involving an *existing system* or system component that requires a Septic Permit shall require that the entire system be brought into compliance.

21.10.6 APPLICATION

A complete Septic Permit application shall be submitted on forms provided by the Environmental Services Department.

21.10.7 REVIEW AND APPROVAL

The *Department* shall review and process the Septic Permit application in accordance with the Minnesota Statutes Chapter 15.99. Incomplete applications will not be accepted.

Septic Permit applications that meet the ordinance shall be approved by the *Department* and a written Septic Permit authorizing construction of the SSTS as designed shall be issued.

In the event the applicant makes a significant change to the approved application, the applicant must file an amended application to the *Department* detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial.

21.10.8 PERMIT EXPIRATION

The Septic Permit is valid for a period of no more than one year from its date of issuance.

21.10.9 TRANSFERABILITY

A Septic Permit for a *subsurface sewage treatment system* that is approved but has not yet been installed shall not be transferred to a new owner unless the new owner submits signed Septic Permit application forms and a management plan to the *Department*.

21.10.10 SUSPENSION OR REVOCATION

The *Department* may suspend or revoke a Septic Permit under the Enforcement provisions of Chapter 19.

A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the *permit* holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Septic Permit is obtained.

21.10.11 SYSTEM COMPLETION (CERTIFICATE OF COMPLIANCE)

Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in reasonable conformance with the approved design documents by a *Qualified Employee* of the *Department* or licensed inspection business, which is authorized by the *Department* and independent of the owner and the SSTS installer.

SECTION 21.11 SYSTEM MANAGEMENT

21.11.1 MANAGEMENT FOR SSTS PRIOR TO O & M PLAN REQUIREMENTS

SSTS that are not operated under Section 21.11.2 (SSTS Management Plans) or Section 21.11.3 (SSTS Operating Permits) listed below must have treatment tanks inspected and provide for the removal of solids as needed every three years. All solids and liquids must be removed by pumping from all tanks or compartments when:

- A. The top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole; or
- B. The bottom of the scum layer is less than 3 inches above the bottom of the outlet baffle or transfer hole.

Total sludge and scum volume must not be greater than 25 percent of the tanks liquid capacity. (Minnesota Rules Chapter 7080.2450)

21.11.2 SSTS MANAGEMENT PLANS

SSTS Management Plans describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

A. SSTS REQUIRING MANAGEMENT PLANS

Management plans are required for all New or Replacement SSTS. The Management Plan shall be submitted to the *Department* with the Septic Permit application for review and approval.

B. REQUIRED CONTENTS OF A MANAGEMENT PLAN

Management plans shall comply with the information requirements of Section 18.19.2 of this Ordinance.

21.11.3 SSTS OPERATING PERMITS

A. SSTS REQUIRING AN OPERATING PERMIT

Sewage shall not discharge to a system requiring an Operating Permit until the Department certifies that the system was installed in conformance with the approved plans, receives the final record drawings, and a valid Operating Permit is issued to the owner.

An Operating Permit shall be required for:

- I. Type IV *SSTS*;
- II. Midsized Subsurface Sewage Treatment System (*MSTS*);
- III. Any other system deemed by the *Department* to require operation and oversight.

B. APPLICATION

An application for an Operating Permit shall be made on forms provided by the *Department*.

C. *SSTS* OPERATING PERMIT ADMINISTRATION

SSTS Operating Permits shall be processed and administered in accordance with Section 18.18 of this Ordinance.

D. *SSTS* OPERATING PERMIT COMPLIANCE MONITORING

An annual Monitoring Report shall be prepared and certified by the licensed inspection business or licensed service provider in accordance with Section 18.18.I of this Ordinance.

The report shall be submitted to the *Department* on a form provided by the *Department* on or before the compliance reporting date stipulated in the Operating Permit.

SECTION 21.12 COMPLIANCE MANAGEMENT

It is the responsibility of the *Department*, or its agent, to perform various *SSTS* compliance inspections periodically to assure that the requirements of this Chapter and Minnesota Rules Chapter 7080-7083 are met.

21.12.1 COMPLIANCE INSPECTIONS FOR NEW SYSTEMS

- A. All compliance inspections must be performed and signed by a licensed inspection business or *Qualified Employees* certified as inspectors.
- B. The installation and construction of the *SSTS* shall be in accordance with the permit requirements and application design. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the *Department* prior to construction.
- C. The installer or contractor hired by the *permittee* shall notify the *Department* on the **WORK DAY** preceding the day inspection is

desired, prior to the completion and covering of the SSTS. If any component is covered before being inspected and approved by the *Department*, it shall be uncovered if directed by the *Department*.

- D. If proper notice to the *Department* is provided and the *Department* does not appear for an inspection within two hours after the time set, the installer or contractor hired by the *permittee* may complete the installation.
- E. Inspections shall be conducted at least once during the construction of the SSTS at such time as to ensure that the system has been constructed per submitted and approved design.
- F. The installer or contractor hired by the *permittee* shall file a signed *As-Built*, including photographs of the system prior to covering, with the *Department* within thirty (30) days from system installation. The *As-Built* shall include a certified statement that the work was installed in accordance with the submitted design and permit conditions and that it was free from defects. The *As-Built* design must be submitted on County Forms available in the *Department*.
- G. The *permittee* or installer, as determined by the *Qualified Employee*, shall be responsible for the correction or elimination of all defects. No SSTS shall be placed in service until all defects have been corrected or eliminated. A *certificate of compliance* from the Inspector may be delayed or denied if the *permittee* or installer fails to correct or eliminate all defects as required by the Inspector.
- H. COMPLIANCE DETERMINATION
 - I. A *certificate of compliance (COC)* shall be issued by the *Department* if the *Department* has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 - II. A *notice of noncompliance (NON)* shall be issued by the *Department* if the system was not built in accordance with the applicable requirements as specified in the construction permit.
 - III. The compliance determination document must include a certified statement by the licensed inspector or *Qualified Employee* who conducted the inspection that the SSTS is or is not in compliance with the state code and Ordinance requirements.
 - IV. COC for new SSTS shall remain valid for five (5) years from

the date of issue unless the *Department* finds evidence of noncompliance.

21.12.2 COMPLIANCE INSPECTIONS FOR EXISTING SYSTEMS

Compliance inspections of *existing* SSTS shall be reported on the forms provided by *MPCA* and the *Department*. *Existing* Systems that require a compliance inspection must meet *MPCA* sizing requirements.

A. COMPLIANCE INSPECTION REQUIRED

Compliance inspections shall be required:

- I. Prior to adding 120 square feet or more of living space to an existing dwelling, including 4-season porches;
- II. When replacing, in whole or in part, an existing dwelling;
- III. For the addition of a *bedroom* to an existing dwelling;
- IV. When a complaint is filed with the *Department*;
- V. When a discharge to the *road right of way* is observed during construction within the *road right-of-way (ROW)*;
- VI. Prior to the sale or transfer of property.
- VII. Any time there is a change in use of the property being served by an *existing* SSTS which may impact the performance of the system.
- VIII. Anytime a permit or variance of any type is required for any improvement on, or use of, the property in the Shoreland Overlay District, where any portion of the septic system serving the dwelling or structure are located within the Shoreland boundary, or when the proposed structure is located within the Shoreland boundary.

B. COMPLIANCE INSPECTIONS – FROZEN GROUND

In those times of the year when the ground is frozen and a compliance inspection cannot be completed, the compliance inspection must be completed by the following June 1 and submitted to the *Department* within 15 days.

Septic systems where a compliance inspection is required prior to property

transfer shall adhere to section 21.13 of this Chapter.

Septic systems where a compliance inspection is required to obtain a Zoning Permit shall adhere to 21.10.4 of this Chapter.

C. COMPLIANCE CRITERIA

Compliance of *existing* SSTS shall be reported on forms provided by the MPCA and the Department. To assess compliance the following conditions must be evaluated or verified:

- I. Water tightness assessments of all treatment tanks including a leakage report
- II. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock.

a. SSTS BUILT BEFORE APRIL 1, 1996

SSTS built before April 1, 1996 outside of areas designated as *Shoreland* areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

b. SSTS BUILT AFTER MARCH 31, 1996

SSTS built after March 31, 1996 or SSTS located in a *Shoreland* area, wellhead protection area, or serving a food, beverage or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock.

Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance of no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this chapter.

The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil 7080.1500, Subp. 4.

III. Sewage backup, surface seepage or surface discharge including a hydraulic function report.

IV. SIZING

- a. *Existing systems* serving a dwelling(s) must meet sizing requirements of Minnesota Rules 7080.1850 and 7080.1860 for the number of *bedrooms*.
- b. *Existing systems* serving *other establishments* must meet sizing requirements of Minnesota Rules 7080.1880 and 7081.0130.

D. COMPLIANCE DETERMINATION

I. CERTIFICATE OF COMPLIANCE (COC)

For *existing Systems* determined to be compliant with the septic rules and this Chapter, a *certificate of compliance (COC)* will be issued by a *Qualified Employee* or licensed inspection business on forms provided by the *MPCA* and the *Department*.

The *Department* shall reject any compliance inspection submitted to it that does not provide the required compliance information, is not completed by a licensed inspection business or is deficient in certified statements, corrective measure procedures, and/or required signatures

- a. The *COC* must be submitted to the *Department*, the person requesting the compliance report, and any other governing authority no later than (15) calendar days after the date the inspection was performed.
- b. *COCs* completed for *existing systems* shall remain valid for (three) years from the date of issue unless the *Department* finds evidence of noncompliance.

II. NOTICE OF NONCOMPLIANCE (NON)

For *existing systems* determined to be noncompliant with the septic rules and this Ordinance, a *notice of noncompliance (NON)* will be issued by a *Qualified Employee* or licensed inspection business on forms provided by the *MPCA* and the *Department*.

The *Department* shall reject any compliance inspection that does

not provide the required compliance information, is not completed by a licensed inspection business or is deficient in certified statements, corrective measure procedures, and/or required signatures

- a. The *NON* must include a statement specifying the Ordinance provision and state rule with which the *SSTS* does not comply
- b. The *NON* must be submitted to the *Department*, the person requesting the compliance report, and any other governing authority no later than (15) calendar days after the date the inspection was performed.
- c. *Existing Systems* receiving a *NON* shall be upgraded, repaired or replaced under the applicable timeframes in Section 21.9 of this Chapter.

III. WAIVER OF EXISTING SYSTEM INSPECTION

For *existing Systems* determined to be noncompliant with the septic rules and this Ordinance, a *notice of noncompliance (NON)* will be issued by a *Qualified Employee* on forms provided by the *MPCA* and the *Department*.

The *Department* may waive an *existing system* compliance inspection required under Section 21.12.2.A of this Chapter, if the owner of the real property served by an *existing SSTS*;

- a. acknowledges (self-fails) in writing to the *Qualified Employee* that the current *existing SSTS* does not meet State Code and/or local Ordinance requirements, is an *imminent threat to public health and safety*, and;
- b. further acknowledges that a new system installation or proper abandonment of the *existing system* will be achieved within 10 months from the date of the signed acknowledgment, and;
- c. allows the *Qualified Employee* to verify whether or not the system is classified as a straightpipe under Minnesota Statute 115.55 Subp. 11.

SECTION 21.13 TRANSFER OF PROPERTIES

- A. Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an

SSTS occurs, the following requirements shall be met.

- I. A compliance inspection must be conducted prior to the sale or transfer of any property.
- II. The Seller and/or Seller's Authorized Agent shall retain a licensed inspection business to conduct the compliance inspection in accordance with the procedures described in Section 21.12.2 of this Chapter. If the Seller and/or Seller's Authorized Agent fails to meet this requirement, the system will be deemed an *imminent public health threat and safety*, and must be replaced within 10 months of the date of property transfer.
- III. A compliance inspection submitted to Dodge County after a property transfer has occurred (an after the fact compliance inspection) shall be valid from the date on which the property transfer occurred. Timeframe for system replacement due to noncompliance is based on the date of property transfer and not the date the compliance inspection occurred.

IV. DISCLOSURE AND RESPONSIBILITY

- a. The findings of the compliance inspection must be disclosed at the time of sale or transfer of title or property on a *Sewage Disclosure Form* provided by the *Department*. The *Sewage Disclosure Form* must be completed and submitted to the *Department* at the time of sale or *transfer of property*.
- b. If the *Sewage Disclosure Form* reveals that the SSTS is failing, a *Sewage Responsibility Form*, provided by the *Department*, must be signed by the seller and buyer prior to the sale or transfer of title of the property. The *Sewage Responsibility Form* must be completed and submitted to the *Department* at the time of sale or *transfer of property*.

V. ESCROW

If the seller fails to provide a *certificate of compliance*, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation and inspection of a complying SSTS.

The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution.

The amount escrowed shall be equal to:

- a. One hundred twenty-five percent (125%) of a written estimate to inspect and install a complying SSTS provided by a licensed and certified installer; or
- b. One hundred ten percent (110%) of the written contract price for the inspection and installation of a complying SSTS provided by a licensed and certified installer.

After a complying SSTS has been installed and a *certificate of compliance* issued, the escrow agent must request permission from Dodge County to release the escrow funds.

B. ACTIONS THAT DO NOT REQUIRE A COMPLIANCE INSPECTION.

A compliance inspection does not need to be completed under the following conditions:

- I. The affected tract of land is without buildings or contains no dwellings or other building with plumbing fixtures.
- II. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, or successor.
- III. The property is being refinanced by the owner.
- IV. The sale or transfer is to the seller's spouse or ex-spouse only.
- V. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of May 1, 2006. This subsection applies only to the original vendor and vendee on such a contract.
- VI. Any dwelling or other buildings that are connected to a municipal wastewater treatment system or are connected to a shared *community system* with operating agreements and monitoring plans. Operating agreements and monitoring plan results for the *community system* must be up to date and in compliance with the *Department*.

- VII. The property has been issued a *certificate of compliance* within the last ten (10) years, and is on file in the *Department*. This provision of the Dodge County Zoning Ordinance in no way infers that a *certificate of compliance* is valid for 10 years; only that another compliance inspection does not need to be performed for the purpose of property transfer during this ten year period. A *certificate of compliance* is valid for 3 years on existing septic systems and 5 years on new septic systems under State Code. The seller, buyer, financial institution, and/or authorized representative(s) must determine if a compliance inspection should be completed during a property transfer after a valid compliance inspection has expired.

C. PROPERTY TRANSFERS DURING FROZEN GROUND

All property transfers subject to this chapter between November 15th and April 15th, when SSTS compliance cannot be determined due to frozen soil conditions, shall require an escrow agreement to assure the inspection and installation of a new SSTS.

The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution.

The amount escrowed shall be equal to:

- I. One hundred twenty-five percent (125%) of a written estimate to inspect and install a complying SSTS provided by a licensed and certified installer; or
- II. One hundred ten percent (110%) of the written contract price for the inspection and installation of a complying SSTS provided by a licensed and certified installer.

A compliance inspection must be completed by June 1st by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the *Department* shall provide the escrow agent a copy of the *certificate of compliance* to release the escrow funds.

- D. Neither the issuance of permits, COC, nor NON as requested or issued shall be construed to represent a guarantee or warranty of the systems operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

SECTION 21.14 ABANDONMENT CERTIFICATION

21.14.1 PURPOSE

The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protected public health, safety and water quality. It also terminates all permits associated with the system.

21.14.2 ABANDONMENT REQUIREMENTS

- A. Whenever the use of a *SSTS* or any system component is discontinued for any reason, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.
- B. Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the *Department*.
- C. An owner of an *SSTS* must retain a licensed installation business to abandon all components of the treatment system within sixty (60) calendar days of completion of a replacement system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification of the *Department* of an owner's intent to abandon a system is necessary. A *COC* for the new *SSTS* will not be issued, nor escrow released, until the Certificate of Abandonment for the old system is received by the *Department*.
- D. A report of abandonment certified by the licensed installation business shall be submitted to the *Department* on the *MPCA SSTS* Abandonment Form.

SECTION 21.15 ENFORCEMENT

This Chapter shall be enforced in accordance with Chapter 19 of this Ordinance.

SECTION 21.16 STATE NOTIFICATION OF VIOLATION

In accordance with state law, the *Department* shall notify the *MPCA* of any inspection, installation, design, construction, alteration or repair of an *SSTS* by a licensed/certified person, or any septage removal by a licensed pumper that is performed in violation of the provisions of this Chapter.

In accordance with state law, the *Department* shall notify the *MPCA* of any unlicensed individual or company performing work on an *SSTS* in which requires *MPCA* licensure.

SECTION 21.17 COSTS AND REIMBURSEMENTS

If the *Department* is required to remove or abate an *imminent threat to public health or/and safety*, the *Department* may recover all costs incurred in removal or abatement in a civil action, including legal fees.

At the discretion of the *County Board*, the cost of enforcement action under this Chapter may be assessed and charged against the real property on which the public health nuisance was located. The County Finance Director shall extend the cost as assessed and charged on the tax roll against said real property.

All costs associated with the inspection, design construction, repair, replacement, alteration or extension of on-site sewage treatment systems shall be the responsibility of the current landowner, unless otherwise provided for in this Chapter.

SECTION 21.18 FEES

Fees for the septic program shall be established and amended by the Dodge County Board.

CHAPTER 22: Transportation Overlay District

SECTION 22.1 STATUTORY AUTHORIZATION AND PURPOSE

22.1.1 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 394 delegated the responsibility to local government units to adopt regulations on land needed for future public uses.

22.1.2 PURPOSE

This Chapter is authorized by Minnesota Statutes, Chapter 394. Land that is needed for future street and highway purposes, or for aviation purposes, and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

SECTION 22.2 GENERAL PROVISIONS

22.2.1 LANDS TO WHICH THIS CHAPTER APPLIES

This section shall apply to all land designated as Transportation Overlay District within the jurisdiction of Dodge County. The Planning Commission recommend for adoption by the Dodge County Board of official map, Exhibit O, and amendments thereto covering all of the Transportation Overlay District of the County. A public hearing of the official map Exhibit O and amendments was held in accordance with section 394.26 on May 5th, 2021. The official map, Exhibit O, and amendments were adopted by ordinance by the Dodge County Board on May 11th, 2021.

22.2.2 ADMINISTRATION

Zoning, Conditional Use, Interim Use, and Variance requests shall be processed in accordance with the administrative procedures of Chapter 18 of this Ordinance. Any use purposed within the Transportation Overlay District will need to be signed off by the Dodge County Road Authority.

SECTION 22.3 TRANSPORTATION OVERLAY DISTRICT (TR)

22.3.1 (TR) AGRICULTURAL PRIMARY

All uses allowed in the primary district are allowed, refer to Chapter 8.

22.3.2 (TR) RURAL RESIDENTIAL PRIMARY

All uses allowed in the primary district are allowed, refer to Chapter 11.

SECTION 22.4 GENERAL PERFORMANCE STANDARDS

22.4.1 SETBACKS

When more than one setback applies to the use or structure under ordinance provisions, the most restrictive setback applies.

A. RIGHT OF WAY SETBACKS

All proposed structures must meet a minimum setback of 25 Feet from the proposed Right of Way reserved on the official map, Exhibit O, unless the Dodge County Road Authority signs off.

22.4.2 WATER SUPPLY AND SEWAGE TREATMENT

A. WATER SUPPLY

Any purposed public or private supply of water for domestic purposes must contact Dodge County Highway Road Authority, Minnesota Department of Health and the Minnesota Pollution Control Agency.

B. SEWAGE TREATMENT

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- I. Publicly owned sewer systems must be used where available.
- II. All private sewage treatment systems must meet or exceed the standards contained in Dodge County Ordinance Chapter 21 of this ordinance, or successor.
- III. All proposed sites must meet a minimum setback of 70 FT from Centerline and shall not be less than 10 FT from edge of existing/proposed Right of Way reserved on the official map, Exhibit O.
- IV. All proposed sites for individual sewage treatment systems shall be evaluated to determine the potential treatment capability of the soils on site. If the

determination of a site's suitability cannot be made with publicly available information, borings or percolation tests shall be provided before approvals of splits or land use permits are granted.

- V. Nonconforming/noncompliant sewage treatment systems shall be regulated and upgraded in accordance with Chapter 21 of Dodge County Ordinance.

SECTION 22.5 ROADS, DRIVEWAYS AND PARKING AREAS

Any new public and private roads, driveways and parking areas must follow requirements set forth by the Dodge County Road Authority.

SECTION 22.6 EXISTING BUILDINGS/STRUCTURES

The official map has been adopted and filed, by ordinance by the Dodge County Board on May 11th, 2021. Any proposed additions to existing buildings/structures are prohibited within the 25 FT setback from the proposed Right of Way as drawn on the Transportation Overlay District official map Exhibit O, unless the Dodge County Road Authority signs off.

CHAPTER 23: Airport Overlay District

SECTION 23.1 STATUTORY AUTHORIZATION AND PURPOSE

23.1.1 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 394 delegated the responsibility to local government units to adopt regulations on land needed for future public uses.

23.1.2 PURPOSE

This Chapter is authorized by Minnesota Statutes, Chapter 394. Land that is needed for future street and highway purposes, or for aviation purposes, and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses that could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

SECTION 23.2 GENERAL PROVISIONS

23.2.1 LANDS TO WHICH THIS CHAPTER APPLIES

This section shall apply to all land designated as Airport Overlay District within the jurisdiction of Dodge County. The Planning Commission recommended for adoption by the Dodge County Board of official map, Exhibit J, and amendments thereto covering all of the Airport Overlay District of the County. A public hearing of the official map Exhibit J and amendments was held in accordance with section 394.26 on May 4th, 2022. The official map, Exhibit J, and amendments were adopted by ordinance by the Dodge County Board on May 10th, 2022.

23.2.2 ADMINISTRATION

It shall be the duty of the Dodge County Zoning Administrator and the City of Dodge Center City Administrator (or their appointee) to jointly administer and enforce the regulations prescribed herein within their respective jurisdictions. Zoning, Conditional Use, Interim Use, and Variance requests shall be processed in accordance with the administrative procedures of Chapter 18 of this Ordinance. The City of Dodge Center City Administrator or appointee will be notified of all zoning

permits, conditional or interim use permit applications or variance requests that occur within the boundaries of the Airport Overlay District, whether it is in city limits or not. Any structure purposed within the Airport Overlay District will need to be permitted through a zoning permit by the zoning administrator of the jurisdiction in which the proposed use or structure is located. The zoning administrator will issue or deny a zoning permit based on the requirements and restrictions in this district and the provisions of Section 18.12 of the Dodge County Zoning Ordinance. The City of Dodge Center City Administrator or appointee will be notified of all relevant proposed uses or structures within Dodge County's jurisdiction of the Airport Overlay District.

The Joint Airport Zoning Board (JAZB) is made up of representatives of the affected jurisdictions within the airport hazard area, which can extend up to 2 miles from the airport boundary. The Board consists of two Dodge County representatives and two City of Dodge Center representatives and one City of Dodge Center Airport Advisory Board member. The JAZB advises on projects and operations related to the Dodge Center Municipal Airport.

SECTION 23.3 AIRPORT OVERLAY DISTRICT (AP)

23.3.1 (AP) AGRICULTURAL PRIMARY

All uses allowed in the primary district, Chapter 8, are allowed but are subject to the restrictions of Section 23.4.2 A and B of this Ordinance.

23.3.2 (AP) URBAN EXPANSION PRIMARY

All uses allowed in the primary district, Chapter 10, are allowed but are subject to the restrictions of Section 23.4.2 A and B of this Ordinance.

23.3.3 (AP) COMMERCIAL PRIMARY

All uses allowed in the primary district, Chapter 12, are allowed, but are subject to the restrictions of Section 23.4.2 A and B of this Ordinance.

23.3.4 (AP) Industrial Primary

All uses allowed in the primary district, Chapter 13, are allowed, but are subject to the restrictions of Section 23.4.2 A and B of this Ordinance.

SECTION 23.4 GENERAL PERFORMANCE STANDARDS

23.4.1 AIR SPACE OBSTRUCTION ZONING

- A. **AIR SPACE ZONES:** In order to carry out the purpose of this Ordinance, as set forth above, the following air space 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:

- I. PRIMARY ZONE: 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 16/34
 - b. Extending 200 feet beyond each end of Runway 6/24
 - c. Coinciding with each end of Runway 4/22

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 16/34
- b. 500 feet for Runway 6/24
- c. 250 feet for Runway 4/22

- II. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,453.7 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 the horizontal surface arc is 10,000 feet for Runway 16/34 which encompasses the arc of Runway 6/24 and Runway 4/22.

- III. 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 20:1 for a horizontal distance of 4,000 feet as measured outward from the periphery of the horizontal surface.

- IV. 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:

- a. 34:1 for Runway 16/34 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.
- b. 20:1 for Runway 6/24 expanding uniformly to a width of 2,000 feet at a distance of 5,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.
- c. 20:1 for Runway 4/22 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.

V. **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 7:1 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.

B. **HEIGHT RESTRICTIONS:** Except as otherwise provided in the Dodge County Airport Overlay 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 air space zone created in Section 23.4.1 A so as to project above any of the imaginary air space surfaces described in said Section 23.4.1 A hereof. Where an area is

covered by more than one height limitation, the more restrictive limitation shall prevail.

- C. BOUNDARY LIMITATIONS: The air space 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.
- D. SETBACKS: When more than one setback applies to a use or structure under ordinance provisions, the most restrictive setback applies. All proposed structures must meet the minimum setbacks of the respective primary district it is located within.

23.4.2 LAND USE SAFETY ZONING

- A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of the Dodge County Airport Overlay Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Dodge Center 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:
 - I. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in Section 23.4.1 A 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:
 - II. 3,000 feet for Runway 16/34
 - III. 2,134 feet for Runway 6/24
 - IV. 1,589 feet for Runway 4/22
 - V. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in Section 23.4.1 A 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:

- VI. 1,500 feet for Runway 16/34
- VII. 1,066 feet for Runway 6/24
- VIII. 794 feet for Runway 4/22
- IX. SAFETY ZONE C: All land which is enclosed within the perimeter of the horizontal zone, as defined in Section 23.4.1 A hereof, and which is not included in Safety Zone A or Safety Zone B.
- X. 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.

B. USE RESTRICTIONS:

- I. GENERAL: Subject at all times to the height restrictions set forth in Section 23.4.1 B, no use shall be made of any land in any of the safety zones defined in Section 23.4.2 A 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.
- II. ZONE A: Subject at all times to the height restrictions set forth in Subsection 23.4.1 B and to the general restrictions contained in Subsection 23.4.2 B, 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.

III. ZONE B: Subject at all times to the height restrictions set forth in Subsection 23.4.1 B, and to the general restrictions contained in Subsection 23.4.2 B, areas designated as Zone B shall be restricted in use as follows:

- a. Each use shall be on a site whose area shall not be less than three acres.
- b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage
- c. Each site shall have no more than one building plot upon which any number of structures may be erected.
- d. 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:

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	6:1	72,500 sq. ft.	150 persons
≥ 20.00 acres	4:1	218,000 sq. ft.	300 persons

- e. 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.

IV. ZONE C: Zone C is subject only to height restrictions set forth in Section 23.4.2, and to the general restrictions contained in Section 23.4.2 B.

C. BOUNDARY LIMITATIONS: The land use zoning restrictions set forth in this section 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.

23.4.3 AIRPORT MAP

The several zones herein established are shown in Exhibit J. The 5 maps of Exhibit J were prepared by TKDA and are dated September 30, 2019. The maps, together with any future amendments, and all notations, references, elevations, data, zone boundaries, and other information, are hereby adopted as part of this Ordinance.

23.4.4 NONCONFORMING USES

The regulations prescribed by the Dodge County Airport Overlay Ordinance are not retroactive and 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 May 10th, 2022, 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 May 10th, 2022, and is diligently prosecuted and completed within two years thereof.

23.4.5 PERMITS

- A. FUTURE USES: No material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in Zones A-C unless a zoning permit is granted by the zoning administrator. Each application for a zoning permit shall indicate the purpose for which the zoning permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed.
- B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, and is within the jurisdiction of Dodge County, a zoning permit from Dodge County must be secured authorizing such replacement, change, or repair. The City of Dodge Center City Administrator or appointee shall be informed of the application for the zoning permit within the Airport Overlay District. 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 prior to May 10th, 2022 or any amendments thereto, or than it is when the application for a permit is made.

C. **NONCONFORMING USES OR STRUCTURES ABANDONED OR DESTROYED:** Unless otherwise provided for in the Dodge County Airport Overlay Ordinance, any lawful use or structure existing prior to May 10th, 2022, which is a nonconformity with the standards contained in the Dodge County Zoning Ordinance shall only be allowed subject to the standards listed in Chapter 6 of the Dodge County Zoning Ordinance. Additional standards for nonconformities located in the Shoreland and Flood Plain Overlay are listed in Chapter 14 and Chapter 15, respectively. The standards and processes imposed for nonconformities in the Overlay Districts shall be superimposed over, and in addition to, the standards and administration process for nonconformities identified in Chapter 6 of this Ordinance. In the event the standards or processes of Chapters 14 and 15 of this Ordinance conflicts with the standards of this Chapter, the more restrictive shall apply.

D. **CONDITIONAL AND INTERIM USE PERMITS**

Conditional Use and Interim Use permit applications shall be processed in accordance with the administrative procedures of Chapter 18 of the Dodge County Zoning Ordinance. Conditional and Interim Use permits shall be in conformity with the terms and conditions designated in connection with such permit and all other applicable provisions of the Airport Overlay District. The City of Dodge Center City Administrator or appointee will be notified of all Conditional or Interim use permit applications that occur within the boundaries of the Airport Overlay District, whether it is in city limits or not.

23.4.6 VARIANCES

- A. Any person desiring to erect or increase the height of any structure, or use their property not in accordance with the regulations prescribed in the Dodge County Airport Overlay Ordinance, may apply to the Board of Adjustment. A Variance from the provisions and requirements of this Ordinance may be authorized by the Board of Adjustment in specific cases where the standards set forth in Section 18.11 of the Dodge County Zoning Ordinance have been met. The Board of Adjustment shall have the exclusive power to order the issuances of variances from the requirements of an official control including restrictions placed on nonconformities. Any person, firm, corporation, or any other organization or entity having an interest in real property which is subject to the provisions of this Ordinance may apply for a variance from these provisions.

The Board of Adjustment will require the following prior to making a decision:

- I. A review of the variance application by the MN DOT Office of Aeronautics.
- II. 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.
- III. The Joint Airport Zoning Board will review the request and make a recommendation on determination to grant the variance.

23.4.7 HAZARD MARKING AND LIGHTING

- A. **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 Joint Airport Zoning Board, to indicate to the operators of an 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 Dodge Center.

- B. PERMITS AND VARIANCES: Any zoning permit, conditional or interim use permit, or variance deemed to be reasonable, uphold the purpose of the Dodge County Airport Overlay Ordinance, and granted by the zoning administrator, the Dodge County Board, or the Board of Adjustment, shall, at the discretion of the Joint Airport Zoning Board, require the owner of the structure in question, at their own expense, to install, operate, and maintain markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

23.4.8 APPEALS

- A. An appeal of a Board of Adjustment Decision shall conform to the procedure in Section 18.11.6. of this Ordinance.

23.4.9 SETBACKS

All proposed structures must meet the minimum setback of the most restrictive respective district they are located in. When more than one setback applies to the use or structure under ordinance provisions, the most restrictive setback applies.

23.4.10 ROADS, DRIVEWAYS AND PARKING AREAS

Any new public and private roads, driveways and parking areas must follow the restrictions listed in Section 23.4.1 and Section 23.4.2 of this ordinance and those requirements set forth by the Dodge County Road Authority. 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.

Chapter 24 Repeals

The previous Zoning Ordinance and subsequent amendments adopted by the Dodge County Board of Commissioners are hereby repealed in their entirety. Any previous Zoning Ordinance which has not been repealed is also hereby repealed in its entirety.

Chapter 25 Effective Date

This Zoning Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved the 16th day of May, 1995 by the Dodge County Board of Commissioners.

Don H. Hays
Chairperson, Dodge County Board of Commissioners

Attest: *Curt B. Kephart*

Notice of Intention Published	<u>March 29, 1995</u>
Public Hearing Held	<u>April 11, 1995</u>
Adopted by County Board	<u>May 16, 1995</u>
Publication of Summary Notice	<u>August 8, 1995</u>
Filed with County Recorder	<u>August 24, 1995</u>
Effective Date	<u>May 16, 1995</u>

100822

OFFICE OF COUNTY RECORDER
DODGE COUNTY, WISCONSIN
I hereby certify that the within instrument
was filed in this office for record, on the
24th day of August AD. 1995
at 8:00 o'clock A. M. and was duly recorded in
Book 160 of Misc. page 640
Bruce A. Roberts
COUNTY RECORDER
By _____ DEPUTY

Chapter 26 Effective Date of Zoning Amendments

Ordinance Number	Adoption Date	Code Section(s)	Description
Chapter 1	6/8/10	Repeal & Replace	Renamed Section 1 to Chapter 1 and replaced language
Chapter 2	6/8/10	Repeal & Replace	Renamed Section 2 to Chapter 2 and replaced language
	11/8/11	2.4 & 2.5	Added language
Chapter 3	8/10/10	Repeal & Replace	Renamed Section 3 to Chapter 3 and Reserve for Future Use
	5/8/12	Adopted	Land Description & Survey Language
	2/27/96	402 (1)	Demolition Debris Land Disposal Facility (Clean Fill) - delete ordinance and sec. no.
	2/27/96	402 (2)	Add Dodge County Landfill/Site, delete "Land Spreading Sites".
	12/17/03	add	Add Tavern and Bar and edit Restaurant definitions.
	4/27/04	402	Dwelling (farm, non-farm, unit) & Farm
	6/9/09	402	Add: 7020.0300 Definitions Exhibit K
	5/11/10	402	Add: Essential Services definitions for Major or Minor Essential Services
	7/27/10	402	Add: WECS and Interim Use definitions
Chapter 4	7/27/10	Renamed	Renamed Section 4 to Chapter 4
	12/14/10	4.2	Add: Accessory Structure – Uses & Substantial Improvement – Damage language
	8/9/11	4.2	Add: Practical Difficulties language & deleted Hardship language
	11/8/11	4.2	Add: Dwelling, Fairgrounds
	5/8/12	4.2	Add: Land Description and Survey definitions
	11/13/12	4.2	Add: Kennel language & Limited Rural Business language
	3/11/14	4.2	Add: Section line divided building sites language
	6/3/15	4.2	Add: Modification, Substantial change, and Temporary Tower definitions
	8/9/16	4.2	Add: BAEU-18 definition
		4.2	Add: Bio-filter definition

Dodge County Zoning Ordinance

12/13/16	4.2	Add: SSTS definitions
7/14/20	4.2	Added new SSTS definitions and amended existing ones
11/10/20	4.2	Supplemental Agricultural Use Storage
2/09/21	4.2	Add: Agricultural Products, Agritourism Activity or Activities, Agritourism Products, Agritourism Professional, Farm or Ranch, Inherent Risks of Agritourism Activity and Participant.
4/13/21	4.1	Updated Terminology of "Lot"
4/13/21	4.2	Add/Updated: Aboveground Manure Storage Area, Access / Access Drive, Accessory Structure, Accessory Use, Agricultural Land, Agricultural Products, Agricultural Use, Airport Hazard, Airport Private, Airport Public, Airport Safety Zone, Animal Feedlot, Animal Manure or Manure, Animal Unit, Applicant, Approval, Bar, Best Management Practices or BMP's, Block, Board of Adjustment, Breezeway, Certificate of Compliance- Feedlot, Certificate of Occupancy, Certificate of Survey, Combine, Common Plan of Development or Sale, Compost, Comprehensive Plan, Conditional Use, Conservation Corridors, Conservation Easement, County Surveyor, Crops, Covenants, Cul-De-Sac, Cumulative Impact, Deck, Deed Restriction, Development Agreement, Domestic Fertilizer, Drainage Course, Drainage Easement, Duplex, Dwelling Unit, Easement, Environment, Environmental Assessment Worksheet or EAW, Environmental Document, Environmental Impact Statement, Extended Recreational Campground, Feedlot Expansion, Flood Profile, Flood Stage, Floodplain, Floodproofing, Floodway, General Development Concept Plan, Grade, Gross Floor Space, Horticulture, Institutional Facility, Light Industrial Facility, Limited Rural Business, Liquid Manure Storage Area or LMSA, Lot, Lot Frontage, Manure Storage Area, Minor Subdivision Procedure, Mitigation, New Feedlot, Open Space Land Use, Orderly Annexation Agreement, Orderly Annexation Area, Outlot, Pasture, Permanent Conversion, Permanent Stockpiling Site, Permit, Person, Personal Recreational Campground, Planning Commission, Plat Monument, Preliminary Plat, Process Wastewaters, Public Way, Recreational Camping Area (RCA), Recreational Camping Units, Seasonal Use, Sewer System, Short-term Stockpiling Site, Significant Historic Site, Sports or Entertainment Facility, Standard Project Flood, Street or Road, Street, Collector, Street, Local, Street, Major, Street, Minor, Street or Road, Private, Street, Rural Design, Street, Service, Street, Urban Design, Street, Width, Subdivision, Toe of the Bluff, Top of the Bluff, Transfer Station, Urban Expansion District, Utility Easement, Variance, Warehousing Facility or Commercial Storage Facility, Wastewater Treatment Facility, Waste Facility, Water Boundary, Watercourse, Wetland, Witness Monument

Dodge County Zoning Ordinance

	8/9/22	4.2	Add: Dilapidated Dwelling definition
	4/11/2023	4.2	Added: Farm Animal(s) site(s)/updated livestock to <i>farm animals</i> when applicable.
Chapter 5	11/8/11	Renamed	Renumbered & deleted 502 & 503
	11/13/12	Repeal	Reserved for Future Use
	2/14/17	Repeal & Replace	Renamed to Chapter 5 General Zoning District Rules of Application
	2/14/17	Relocated	Moved Chapter 7 language to Chapter 5
	2/14/17	5.3	Moved Chapter and renamed
	10/13/20	5.4	Corrected classification of a segment of a public watercourse.
	5/11/21	5.4	Added Transportation Overlay District
	8/24/21	5.5.2	Added: Implementation of Zoning for land within future City boundary maps
	10/12/21	5.4.4	Added section: Enhanced Groundwater Sensitivity Area Overlay District
	5/10/22	5.4.4	Added Airport Overlay
Section 6	4/22/97	605	Add: Change in Use
	4/22/97	606	add: Expansion of non-conforming use
Chapter 6	2/08/11	Repeal & Replace	Renamed from Section 6 to Chapter 6 & Repeal language
	5/10/11	6.6	Add language reciprocal process & setback
	8/12/14	6.5.4	Street Vacation
	2/25/19	6.6	Corrected bad references
Chapter 7	12/14/10	Repeal & Replace	Renamed from Section 7 to Chapter 7 and restructure the format
	8/12/14	7.3	Add Closed Landfill Restricted "CLR"
	2/14/17	Repeal & Replace	Renamed to Chapter 7 Hamlet District
		7.2.4	
	2/09/21		Added: Historical and/or cultural sites
		7.3.2	
	2/09/21		New: Added new use
	4/11/23	7.2.2	Added: <i>Farm Animals site</i>
Section 8	2/27/96	802 (2)	Add language on parcel split. May 15, 1995
	2/27/96	802 (8)	Delete: "essential services".
	2/27/96	803 (1b)	Delete language on parcel split.

Dodge County Zoning Ordinance

	2/27/96	803 (2)	Add language on one additional non-farm dwelling.
	2/27/96	803 (4)	Add "ag sales business".
	2/27/96	803 (8)	Add "Essential Services: see section 17".
	12/11/01	803 (18)	Add cemeteries
	4/27/04	801	Title & additional language (ag covenant)
	4/27/04	802 (1 & 2)	Added and altered language - 53 contiguous acres, splits count as non-farms.
	4/27/04	802 (3)	Language on dwelling on less than 53 acres.
	4/27/04	802 (3 a.)	Added "effective date".
	4/27/04	803 (19)	Added "one dwelling on less than 53 etc..."
	4/12/05	803 (19)	Delete language of farm on less than 53...
	6/9/09	802.5	Added 7020 Rules for Animal Units
	6/9/09	803.3d	Deleted "d"
	6/9/09	804	Added 1. Setback from Feedlot a. and adjusted numbering
	5/11/10	802.11	Add Minor Essential Services, subject to Section 1711
	5/11/10	803.8	Delete Essential Service: See Section 17 Add Major Essential Services
	6/8/10	803	Deleted CUP language
	6/8/10	804	Added Interim Uses language and renumbered
Chapter 8	7/27/10	Renamed	Renamed Section 8 to Chapter 8
	7/27/10	802.12	Add Temporary Meteorological Tower language
	7/27/10	803.15	Add WECS language
	7/27/10	804.7	Add WECS language
	7/27/10	805.1	Deleted Setback from Feedlot / Added Special Setbacks
	7/27/10	805.b	Added WECS language
	7/27/10	805.4c & d	Added WECS language
	11/8/11	8.3	Deleted the word farms from farm dwellings
	11/8/11	8.3.13	Added Township Hall

Dodge County Zoning Ordinance

11/8/11	8.5	Deleted 2nd farm & non-farm dwellings added One Temporary second dwelling language
11/8/11	8.6.6 & 8.6.7	Deleted 50' well setback language
11/18/11	9 & 10	Deleted Access Drive Regulation & General Requirements
11/13/12	8.3.5 & 8.4	Amended language & references to Section 16 & Section 17 & Chapter 21
11/13/12	8.6	Reorganized Performance Standards
3/11/14	8.6.1	Add: Section line divided building sites language
3/11/14	8.6.2	Add: Section line divided building sites language
8/12/14	8.4.18	Solar Energy Farms
7/14/15	8.4.13	Add the word Commercial to Kennels
7/14/15	8.5.7	Add Private Kennels
2/14/17	8.6.4	Removed height limit number
10/8/19	8.5.4	Add: on land located outside of an existing mine permitted by Dodge County
10/13/20	8.5.1	To allow some flexibility in dwelling density for townships
11/10/20	8.3.14	Supplemental Agricultural Use Storage
2/09/21	8.3.3	Changed to Crops and horticulture
	8.3.4	Removed dairying and livestock raising
	8.3.5	Changed wording, added MN rules Chapter 720 and removed animal units
	8.3.6	Added Public parks and lands
	8.3.7	Removed operated out of the principal dwelling
	8.3.8	Removed hiking and/or biking, Added non-motorized
	8.3.9 & 10	Removed
	8.3.11-15	Changed number to 8.3.9-8.3.13
2/09/21	8.4.1	Changed to Agricultural sales business
	8.4.4	Changed to Establishment, expansion and/or modification
	8.4.8	Changed to Demolition Debris Disposal Facility Permit by Rule
	8.4.9	Added new: Construction & Demolition Land Disposal Facility Debris
	8.4.10	Corrected capitalization, added petroleum, removed last half
	8.4.12	Changed to Golf Courses
	8.4.13	Changed to Gun Clubs and shooting ranges
	8.4.17	Changed to Fairgrounds

Dodge County Zoning Ordinance

		8.4.19	New, added: Agritourism Activity determined
	2/09/21	8.5.2 (D)	Added D
	2/09/21	8.6.4	Added Airport zone, emergency service communication corridors and removed located
	4/11/23	8.3.5	Added: <i>Farm animals Sites</i>
		8.4.4	Added: <i>Farm animals Sites</i>
		8.6.1	Revised General Setback table/added Ag Covenant acknowledgment.
Section 9	2/22/00	901	Add "Public Recreational Land & Trails".
Chapter 9	11/13/12	Repeal	Renamed & Reserved for Future Use
	8/12/14	Repeal & Replaced	Closed Landfill Restricted District (CLR)
	5/9/23	9.1	Added Parcel C description & Parcel A3 C&D landfill description
Section 10	2003	1005	Rezoning to Urban Expansion Residential
	6/9/09	1004	Added 1. Setback from Feedlot a. and adjusted numbering
	6/9/09	1005	Replaced A setback of 1320 feet with 1000 feet and adding 30 animal units or more
	6/8/10	1004	Added Interim Uses and renumbered
Chapter 10	7/27/10	Renamed	Renamed Section 10 to Chapter 10
	7/27/10	1002.2	Added Meteorological Towers are prohibited
	7/27/10	1003.3	Added WESC language
	7/27/10	1004.3	Added Meteorological Towers
	7/27/10	1005.1b	Added WECS language
	7/27/10	1005.4c	Added Micro – WECS language
	11/8/11	9 & 10	Deleted Access Drive Regulation & General Requirements
	11/13/12	10.4.2	Removed reference to Section 16
	11/13/12	10.5	Reorganized Performance Standards
	2/14/17	10.5.3	Removed height limit number
	8/24/21	Replaced	Urban Expansion District "X"
	4/11/23	10.7.5 B.	Added: <i>Farm animals</i>
Section 11	2003	1105	Rezoning to Rural Residential
	6/9/09	1104	Added 1. Setback from Feedlot a. and adjusted numbering
	6/9/09	1105.6	Replaced A setback of 1320 feet with 1000 feet and

Dodge County Zoning Ordinance

			adding 30 animal units or more
	5/11/10	1102.6	Delete Essential Services /Added Minor Essential Services subject to Section 1711
	5/11/10	1103.6	Add Major Essential Services
	6/8/10	1102.4	Added: operated out of the principal dwelling meeting the requirements of section 1610
	6/8/10	1104	Added Interim Uses and renumbered
Chapter 11	7/27/10	Renamed	Renamed Section 11 to Chapter 11
	7/27/10	1103.7	Added Micro-WECS language
	7/27/10	1105.b	Added WECS language
	7/27/10	1105.4b	Added Micro-WECS language
	11/8/11	9 & 10	Deleted Access Drive Regulation & General Requirements
	11/13/12	11.2.1	Add: Word "primary"
	11/13/12	11.2.3	Add: Word "Public"
	11/13/12	11.2.4 & 11.2.5 & 11.2.6	Removed incorrect references to Section 16 & Section 17
	11/13/12	11.3	Removed incorrect references to Section 16 & Section 17
	11/13/12	11.4	Deleted Home Occupation added Limited Rural Businesses
	11/13/12	11.5	Revised District Performances Standards
	2/14/17	11.5.3	Removed height limit number
Chapter 11	2/09/21	11.2.3	Removed and recreation areas, added and non-motorized trail systems
		11.2.4	Removed operated out of the principal dwelling
	2/09/21	11.3.1	Removed/deleted Public or privates schools
		11.3.2	Changed to 11.3.1 and added and other places of worship
		11.3.3	Changed to 11.3.2
		11.3.5	Changed to 11.3.4, added subdivisions subject to and meeting all requirements of Chapter 20, removed planned unit developments
		11.3.6 & 7	Removed/deleted
	2/09/21	11.5.3	Added emergency services communication corridor

Dodge County Zoning Ordinance

	2/09/21	11.6	Removed/deleted section
	4/11/23	11.2.2	Added: <i>Farm animals</i> and revised stated use
Section 12	12/17/02	1203	1203 – edit wording of 1203.3 (restaurants)
	5/11/10	1202.10	Delete Essential Services /Added Minor Essential Services subject to Section 1711
	5/11/10	1203.9	Add Major Essential Services
Chapter 12	7/27/10	Renamed	Renamed Section 12 to Chapter 12
	7/27/10	1202.12	Added Temporary Met Tower language
	7/27/10	1203.9 & 10	Added WECS language
	7/27/10	1204.1	Added Interim Uses
	7/27/10	1205.4 b & c	Added WECS language
	11/8/11	9 & 10	Deleted Access Drive Regulation & General Requirements
	11/13/12	12.2.11	Removed language for Accessory Structure
	11/13/12	12.5	Add Revised District Performances Standards
	2/14/17	12.5.5	Removed height limit number
Chapter 12	2/09/21	12.1	Updated purpose definition
	2/09/21	12.2.1	Capitalization error, Added sales, excluding processing and packaging, removal of rest sentence.
		12.2.2	Added including retail sales
		12.2.4	Definition change: Banks, accounting offices, insurance offices, real estate offices, title companies and other similar small business uses producing only domestic strength waste
		12.2.6	Added: Service based skilled traded businesses
		12.2.6 & 7	Removed/Deleted
		12.2.8	Changed to 12.2.7
		12.2.9	Removed/Deleted
		12.2.10	Changed to 12.2.8, Services capitalized
		12.2.11	Removed/Deleted
		12.2.12	Changed to 12.2.9
	2/09/21	12.3.2	Changed to Automobile parts and equipment sales
		12.3.3	Added excluding taverns, bars and adult uses and/or

Dodge County Zoning Ordinance

			businesses, Removed taverns and bars and adult businesses are prohibited
		12.3.4	Removed/Deleted
		12.3.5	Changed to 12.3.4, Added Boarding, and grooming businesses
		12.3.6	Removed/Deleted
		12.3.7 & 8	Changed to 12.3.5 & 6
		12.3.9 & 10	Removed/Deleted
		12.3.11	Changed to 12.3.7
	2/09/21	12.4.1	Removed/Deleted Changed to Temporary contractor's yard
	2/09/21	12.5.5	Added emergency services communication corridor
Section 13	5/11/10	1302.6	Add Minor Essential Services, Subject to Section 1711
	5/11/10	1303.5	Add Major Essential Services
	6/8/10	1304	Added Interim Uses and renumbered
Chapter 13	7/27/10	Renamed	Renamed Section 13 to Chapter 13
	7/27/10	1302.7	Added WECS language
	7/27/10	1303.6	Added WECS language
	7/27/10	1304.2	Added WECS language
	7/27/10	1306.4 b & c	Added WECS language
	11/8/11	9 & 10	Deleted Access Drive Regulation & General Requirements
	11/13/12	13.2.8 & 13.27	Add Accessory Structure language
	11/13/12	13.3.2	Removed incorrect references
	11/13/12	13.6	Add Revised District Performances Standards
	2/14/17	13.6.5	Removed height limit numbers
Chapter 13	2/09/21	13.1	Updated the Purpose, added limited and be suitable for areas not serviced by public water & sewer and which will
		13.2.5	Removed/Deleted
		13.2.6	Changed to 13.2.5
		13.2.7	Removed/Deleted

Dodge County Zoning Ordinance

		13.2.8	Changed to 13.2.6
	2/09/21	13.3.4	Removed/Changed to Agricultural product processing and packaging
		13.3.6	Removed/Deleted
		13.3.7	Changed to 13.3.6
	2/09/21	13.4.2	Removed/Changed to Contractors yards
	2/09/21	13.5	Removed
	2/09/21	13.6, 13.6.1-13.6.5	Chapter & sections changed to 13.5, 13.5.1-13.5.5 Added emergency services communication corridor
Section 14	5/11/10	1403.1f	Delete Essential Services /Added Minor Essential Services subject to Section 1711
	5/11/10	1403.2f	Delete Essential Services /Added Minor Essential Services subject to Section 1711
	5/11/10	1403.3a	Add Minor Essential Services, Subject to Section 1711
	5/11/10	1404.2d	Add Major Essential Services
	5/11/10	1404.3d	Add Major Essential Services
	5/11/10	1404.4i	Delete Essential Services/ Add Major Essential Services
	5/11/10	1404.5d	Add Major Essential Services
	6/8/10	1403.1e	Add operated out of the principal dwelling
	6/8/10	1403.2d	Add operated out of the principal dwelling and subject to Section 1610
	6/8/10	1404.1a,b,c,d	Deleted language and renumbered
	6/8/10	1404.2.b	Deleted language and renumbered
	6/8/10	1404.6a,b,c	Deleted language
	6/8/10	1405	Added Interim Uses and renumbered
	6/8/10	1404.5c	Deleted language and renumbered
	6/8/10	1406.2	Deleted a through e language
Chapter 14	12/14/10	Renamed	Renamed from Section 14 to Chapter 14
	12/14/10	14.12	Added Nonconformities language
	11/13/12	14.3	Removed incorrect references to Section 17
	11/13/12	14.3.2 c	Adder words "Public" and removed language

Dodge County Zoning Ordinance

	11/13/12	14.3.2 d	Added "Limited Rural Businesses" and deleted language
	11/13/12	14.4.2c	Add "Residential PUDs & deleted language
Chapter 14	5/12/20	Repeal and Replace	Made uses consistent with underlying zoning districts and floodplain changes
	10/13/20	14.5.2a	Corrected classification of a segment of a public watercourse.
	8/9/22 4/12/23	14.2.4 A. 14.3.3 A. I.	Removed and changed language of first sentence Added: <i>Farm animals</i> and updated format
		14.3.4 A II.	Added: <i>Farm animals Sites</i>
		14.7.1 C.& V.	Added: <i>Farm animals</i>
Section 15	5/11/10	1505.1d	Delete Essential Services /Added Minor Essential Services subject to Section 1711
	5/11/10	1505.2b	Delete Essential Services /Added Minor Essential Services subject to Section 1711
	5/11/10	1505.3a	Add Minor Essential Services, subject to Section 1711
	5/11/10	1506.1g	Add Major Essential Services
	5/11/10	1506.2f	Add Major Essential Services
	5/11/10	1506.4c	Add Major Essential Services
	6/8/10	1501	Added Statutory Authorization and adopted MN Statutes, Chapter 103F and 394
	6/8/10	1502	Deleted and renumbered
	6/8/10	1504.d	Added wildlife preserves
	6/8/10	1505	Deleted b, c, d, f & renumbered
	6/8/10	1506	Added Interim Uses language
	6/8/10	1513	Deleted 2,3,4
	6/8/10	1516	Add; All amendments to this Chapter or the Official Flood Plain Zoning District Map shall follow the processes for text and district boundary amendments identified in Chapter 18. Deleted all other language.
Chapter 15	5/10/11	Repeal and Replace	Renamed Section 15 "FP" Flood Plain District to Chapter 15 Floodplain Overlay District "FP"
	11/13/12	15.7.2 e & 15.7.3 d	Deleted reference to Section 1711
Chapter 15	5/12/20	Repeal and Replace	Prohibitive ordinance to 3 district, addition of mining

Dodge County Zoning Ordinance

	4/11/23	15.5.1 A. II	Added: <i>Farm Animals Sites</i>
	4/11/23	15.5.1 B. II 15.5.1 C. II.	Added <i>Farm Animals Sites</i> Added <i>Farm Animals Sites</i>
Section 16	2/27/96	1613	Replace first paragraph and delete the rest of section.
	2/27/96	1621 (1)	C.U.P. not required for each land spreading batch.
	2/27/96	1621 (2)	Add the word "treatment".
	2/27/96	1621 (3)	Delete section on prior written approval
	2/27/96	1621 (3)	Delete "landowners within 1 mile"
	2/27/96	1621 (4)	An ag inspector must be on site during spreading.
	2/27/96	1626	"Buildable Lots" language added.
	12/9/03	1619 (5)	Replace with going by MPCA's rules
	12/9/03	1619 (6)	Delete
	1/10/06	1610	Home Occupations Amendment
	6/9/09	1619.4 f, g, h, i	Delete number of animal units and add language to g moved g existing language to i. and add h.
	11/8/11	1627	Add: Temporary Second Dwelling Unit Standards language
	11/8/11	1628	Add: Fairgrounds language
Chapter 16	11/13/12 2/10/15	Repeal & Replace 16.24.3	Adopted new Performance Standard Application language amended
	4/14/15	16.46.2.A	Solar Energy Farm Lot Size language amended
	6/9/15	16.19.1	Add: Item "P" setback language
	6/9/15	16.20.1	Add: Item "Q" setback language
	6/9/15	16.49.1	Add: add language to C & Item "D" new language
	6/9/15	16.49.2.A	Add: a Substantial Change language
	11/14/17	16.46.2G	Add: Vegetation Management
	2/26/19	16.5.1.A 16.9.1	Add: "H" Add: IUP Deleted CUP
		16.15.1 E&F	Add: Program Manager, Changed Human Services to MN Prairie
		16.19.1.D	Add: provisions of the primary and/or overlay district and any
		16.19.1.O	Changed: old reference

Dodge County Zoning Ordinance

		16.22.1	Changed: CUP to IUP
		16.29.1. B	Add language and renumbered
		16.46.3. D VI	Changed escrow requirements
10/8/19		16.14.1	Add language on permit requires for temporary asphalt mixing plants
10/8/19		16.38.3 A.	Add: language on temporary asphalt as accessory uses for less than one year.
7/14/20		16.46	Clarified all instances in which a CUP would be needed
7/14/20		16.46.2.B	Added stormwater management and erosion control standards
7/14/20		16.46.2.E	Specified that lines should be underground until they get to the right of way
7/14/20		16.46.2.F	Added specific requirements for glare evaluation
7/14/20		16.46.2.G	Added pollinator friendly language of statute and noxious/invasive weeds
7/14/20		16.46.2.H	Added new setbacks for solar energy farms
7/14/20		16.46.2.I	Requires screening plan and visual impact analysis as part of application
7/14/20		16.46.3.C	Clarifies what decommissioning includes and prohibits landfilling unless recycling is not an option, requires complete removal of all facilities/structures
7/14/20		16.46.3.D	Requires competent party to provide decommissioning cost estimate, removes credit for salvage value, requires a bond or escrow of 110% of estimated cost or \$200,000 per MW whichever is greater, requires update in years 10, 20 & 30
Chapter 16	2/09/21	16.7	Added Agritourism Activities
		16.7.1.C	Added nuisance free manner
		16.7.1.E	Added bars and/or taverns are not permitted and on site or off site sale requirements
		16.7.1.F	Added Agritourism Activities and G-L
	2/09/21	16.35.1	Added And other rural lodging establishments; removed retreats. Added VRBO or AirBNB required a CUP
		16.35.1.A	Removed or operator occupied
		16.35.1.C	Added unless specifically allowed by conditions of the CUP

Dodge County Zoning Ordinance

		16.35.1.E	Added COC requirement. Added single daily & maximum permitted occupancy
		16.35.1.K	Added supplied by the owner/operator
		16.35.1.M	Added day time
		16.35.1 O & P	New/Added
		16.35.2	Section removed
	4/13/21	16.11	Updated: Campgrounds & Recreational Camping Areas
		16.16	Updated: Demolition Debris Land Disposal Facility
		16.17	Updated: Solid Waste Transfer Stations
		16.18&19	Updated: Dwelling Units
		16.37	Updated: Migrant and/or Seasonal Worker Camps
		16.38.3 B IV. H	Updated: Bond required for haul road repair
		16.41	Removed
		16.43	Updated: School Accessory Use
	8/10/21	16.34.1 J	Updated: Sewage treatment
		16.38.3 B II	Updated: HECRAS
		16.46.2 I	Updated: Screening
	2/8/22	16.46.2 H VIII	Added: Interconnection setback to feedlot
		16.46.3 D V.a., b.	Updated: Performance Bond/cash escrow information Added: Tiered decommissioning table & escrow fund renewal terms
	8/9/22	16.19 R	Updated: Dwelling Units
	4/11/23	16.7.1 D	Added: <i>Farm Animals Sites</i>
		16.21.4 G. III. f.	Added: <i>Farm Animals Sites</i>
		16.24/16.24.1	Removed compliance and added <i>Farm animal registration</i>
		16.24.2 B.	Added: "permits, Minnesota rules Chapter 7020"
Section 17	2/27/96	add	Add "Essential Services" section.
Chapter 17	5/11/10	Repeal and Replace	Renamed Section 17 Essential Services to Chapter 17 Essential Services

Dodge County Zoning Ordinance

	11/13/12	Repeal & Replace	Adopted new General Development Standards
	6/14/16	Repeal & Replace	Section 16.24 Signs
	2/26/19	Add/Delete	Changed bad references
Chapter 17	2/09/21	17.12.3	New/Added section
	4/13/21	17.11 17.19.9 17.20 17.26	Update Erosion Prevention and Sediment Control Update Motor Vehicle Storage Updated Wood-Fired Furnaces & Appliances Added Stormwater Management
	10/12/21	17.33	Added section: Enhanced Groundwater Sensitivity Area (EGSA)
	8/9/22	17.4.3	Added section of Removal Permit for Dilapidated Dwelling
	4/11/23	17.15.1 C. & D. 17.15.1 E	Added <i>Farm Animals</i> Added text- "fenced" and "units" to the section.
Section 18	12/03	1807.2 K	Change from 30 to 60 day (state rules)
	9/12/06	1807.5	Change c. add language added d. and e.
Chapter 18	6/8/10	Repeal and Replace	Renamed Section 18 Administration and Enforcement to Chapter 18 Administration
	12/14/10	18.11.4 B	Added Floodplain variance request language for Use Variance
	12/14/10	18.11.5 A	Added Floodplain variance request language for Area Variance
	12/14/10	18.11.6 F	Added language to F. III.1,2,3 & VI
	12/14/10	18.13.9	Deleted C. language Conditions Attached to CUP
	8/9/11	18.11	State Statute change added "Practical Difficulties" language
	6/9/15	18.4.1.I	Replaced location language Government Services Building
	12/13/16	18.3	Add: Board of Adjustment changed from 3 to 5 members
	12/13/16	18.17	Add: Septic Permit language
	11/14/17	18.13.14	Removed language added- Review may also take place when complaints are received.
		18.13.15 A	Changed CUP from 1 year to 2 years
		18.13.15 B	Changed CUP from 2 years to 3 years
		18.13.16	Removed Section and renumber following sections
	2/13/18	18.4.C	Removed number of years to service.

Dodge County Zoning Ordinance

2/13/18	18.4.2.C	Removed Temporary Use Permits
	18.7.1.C.	Add: unless otherwise provided for under ordinance provisions
	18.7.1.G.	Add: Major
	18.7.2.A.	Removed Temporary Use Permit
	18.7.2.E	Add: Unless provided for under other ordinance provisions, rezoning request shall be sent to:
	18.7.4C.	Add: Unless otherwise provided for under ordinance provisions.
	18.7.4.D.	Removed Temporary Use Permit
	18.7.4.G.	Add: Major
	18.9.2A.	Add: Amendments may also be proposed by staff when necessary to comply with new or amended legislation affecting land use provisions.
	18.9.6.A	Removed resolution of
	18.10.3	Removed Temporary Use Permits
	18.11.4.C.	Updated Septic reference to Chapter 21
	18.11.4.D	Removed language in V through IX & renumbered.
	18.11.5.C.	Add: Any conditions imposed must be directly related to and must bear a rough proportionally to the impact created by the variance.
	18.11.5.E.1	Removed insurance coverage amount
	18.13.8.A.VII	Updated Septic reference to Chapter 21
	18.13.15	Added language timeframes identified in 18.13.5.A & 18.13.15.B
	18.14.4.D.	Added Excluding IUPs for dwellings subject to the density standards.
	18.14.6.E	Added The new owner of the use/occupancy does not apply for a new IUP, when applicable.
	18.15.2	Added Authorizations language
	18.17.1.C.	Added expansion and removed would alter the original function of the system.
2/26/19	18.7.1. D	Removed: Temporary Use Permit
	18.12.2.D	Add: Underground grain dump pits
	18.15.1	Add: County

Dodge County Zoning Ordinance

		18.15.3	Add: subject to CUP
		18.17.1	Add: item G, H with the language
		18.17.3.C	Deleted
		18.17.4	Deleted and Added language – Application Processing
	2/26/19	18.17.5	Deleted and Added Language – Decision & Permit Issuance
		18.17.7	Amend: Transferability language
Chapter 18	2/09/21	18.9.4.B & C	Removed Overlay District Provisions – Floodplain Map Amendments and Revisions. Added Lands Eligible for Rezoning Consideration and Rezoning Criteria
		18.9.5	Changed section reference to 18.7 and added chapter removing ordinance
	2/09/21	18.13.8.V	Added aggregate resources, rare features, native plant communities and designated Wildlife Action Network areas and from the use and/or future onsite structures
	4/12/22	18.15.1	Corrected sentence to read “every year”
	8/9/22	18.17.7 18.21	Amend: Transferability language Added section for permit removal of dilapidated dwelling
		18.22	Changed section number for other permits, license and approvals.
	9/13/2022 4/11/23	18.14.6 18.15	Added section for Discontinuance of an IUP Updated title to <i>Farm Animal Registration & Permits</i>
		18.15.1	Added <i>Farm Animals Sites</i> and included deactivation condition.
		18.15.4	Added <i>Farm Animals</i>
		18.15.5 B.	Added <i>Farm Animals Sites</i>
Section 19	2/22/00	add	Violations and Penalties – add 1903 – 1907
	08/11/05	replaced	Corrected reference number (out of order)
Chapter 19	5/10/11	Repeal and Replace	Renamed Section 19 to Chapter 19 Enforcement
	3/27/18	19.6.5 A.	Removed the word certified
	3/27/18	19.7.1	Added or special tax assessment

Dodge County Zoning Ordinance

	2/26/19	19.5	Add power and duties in Chapter 18. 18.2
		19.5.2	Replace County Board with ES staff
		19.6.1	Added language to Investigation section
		19.6.4	Added: formal or informal
		19.6.5 B	Removed: Civil Penalty Citation language
		19.6.5 D	Removed: Civil Penalty Citation language
		19.6.6	Removed section and renumbered
		19.7.3	Removed section and renumbered
	8/13/19	Repeal and Replace	Repeal and Replaced Chapter 19 in all
Chapter 20	12/17/02	Add	Add Subdivision Ordinance Section
	4/13/21	Repeal and Replace	Repeal and Replaces Chapter 20 in all
	8/24/21	20.15	Added section – Urban Expansion Residential District “XR”
	4/11/23	20.15.7 C.	Added <i>Farm Animals</i>
		20.15.7 C. I	Added <i>Farm Animals</i> and corrected additional text.
		20.15.7 C. II	Added <i>Farm Animals</i>
		20.15.7 C. V.	Added <i>Farm Animals</i>
Chapter 21	7/27/10	Renamed	Renamed Section 21 to Chapter 21
	7/27/10	Repeal and Replace	Repeal and Replaced language for WECS
	11/13/12	Repeal	Reserved for Future Use
	12/13/16	Repeal and Replaced	Renamed to Chapter 21 Subsurface Sewage Treatment System (SSTS)
	3/27/18	21.8.4	Added section
	3/27/18	21.10.1	Added G & H
	3/27/18	21.12.2 A. IV	Removed word written and All complaints must be signed by the person making the complaint.
	2/26/19	21.10.8	Added unless the new owner submits signed Septic Permit application forms and a management plan to the Department.
	2/26/19	21.12.1F	Changed 5 days to 30day from system installation
	7/14/20	21.3.1.H	Added language for Existing SSTS which allows for

Dodge County Zoning Ordinance

7/14/20	21.4.3.VIII	inventory Added language for new or replacement dwelling sized on Class 1 flow, Class II approved by Department
7/14/20	21.4.3.IX	Existing systems must meet sizing for bedrooms
7/14/20	21.4.3.X	Existing systems serving other establishments sizing requirements
7/14/20	21.4.3.XI	Secondary soil site for replacement dwellings
7/14/20	21.5	Changed incorrect reference
7/14/20	21.8.3.B& Renumbering	Use of HT allowed as temporary measure during frozen ground conditions
3/23/21	21.9.2	New language to address properties in Exhibit P
7/14/20	21.9.4	NON for existing systems not meeting sizing requirements
7/14/20	21.10.1	Clarifies that a permit is required for a bedroom addition where SSTS does not meet the design flow
7/14/20	21.10.3	Added specific standards for new or replacement dwellings
7/14/20	21.10.4	Renumbers, added language for escrow requirements for obtaining Zoning Permit during frozen ground
7/14/20	Multiple sections	Multiple sections were renumbered due to addition of language; no content was changed
7/14/20	21.12.1	COC may be delated until defects from inspector are corrected
7/14/20	21.12.2.A.VIII	Added language for a compliance inspection for all permits or variance in shoreland. This is required in code and shoreland rules
7/14/20	21.12.2.B	Referred to property transfer and zoning permit language on frozen ground
7/14/20	21.12.C.IV	Added language in compliance determinations regarding existing systems and establishments
7/14/20	21.12.D.I	Can reject compliance inspections if it doesn't contain all info COC
7/14/20	21.12.D.II	Can reject Compliance Inspections if it doesn't contain all info NON
7/14/20	21.12.D.III	Can waive compliance inspection if owner self fails system
7/14/20	21.13.A.IV.a and b	Requires submittal of Sewage Disclosure from to Department

Dodge County Zoning Ordinance

	7/14/20	21.16	Department is required to notify MPCA of unlicensed individual or company
	7/27/10	Repeal and Renamed	Changed Section 22 to Chapter 22 Reserve for Future Use
	8/9/22	21.12.2, A.,VIII	Removed/Deleted and changed language
Chapter 22	2003	add	Reserve for future section on Wind (small)
	7/27/10	Repealed and Reserve	Repealed future section on Wind (small) and reserve for future use
	12/17/02	add	Add Adult Entertainment Section
	11/13/12	Repeal	Reserved for Future Use
	5/11/2021	add	Transportation Overlay District
Chapter 23	5/16/95	Repeals	Added Section
	5/10/22	add	Airport Overlay District
Section 24	11/13/12	Renamed	Changed Section 24 to Chapter 26
Chapter 24	5/16/95	Repealed and Replace	Repealed and Replace 1971 Zoning Ordinance
Section 25	11/13/12	Renamed	Changed Section 25 to Chapter 25
Chapter 25	2/27/96	add	Effective date of zoning amendments
Section 26	7/27/10	Renamed	Changed Section 26 to Chapter 26
Chapter 26	2003	Add	Section for Exhibits
Section 27	4/27/04	Add	Exhibit J – USDA farm definition
	6/9/09	Add	Exhibit K – 7020.0300 definition
	11/13/12	Add	Exhibit L – General Permit – Stormwater
	11/13/12	Renamed	Changed Section 27 to Chapter 27
Chapter 27	11/13/14	Add	Exhibit M – MPCA Construction SWPPP Template
	6/9/15	Updated	Replaced outdated exhibits with new exhibits
	2/9/21	Add	Exhibit G- 1 and 2
	3/23/21	Add	Exhibit P- Properties subject to 21.9.2. B
	5/11/21	Add	Exhibit O- Transportation Overlay Map
	8/24/21	Add	Exhibit Q- Future City Boundary Maps
	5/10/22	Add	Exhibit J- Airport Overlay Map

10/12/21

Repealed and
Replace

Exhibit D- Enhanced Groundwater Sensitivity Area

ZONING AMENDMENT DATES

Public Hearing Date	Date Approved by Board of Commissioners	Date Recorded
2/14/96	2/27/96	7/17/96
2/19/97	4/22/97	12/26/97
2/2/00	2/8/00	6/23/00
2/2/00	2/22/00	6/23/00
12/4/2002	12/17/02	6/2003
12/4/2002	12/17/02	6/2003
5/7/03	5/13/03	6/2003
12/2003	12/9/03	3/2004
3/18/04 & 4/14/04	4/27/04	11/2004
4/6/05	4/12/05	4/15/05
1/04/06	1/10/06	1/19/06
9/6/06	9/12/06	9/26/06
6/3/09	6/9/09	6/18/09
5/5/10	5/11/10	6/29/10
6/2/10	6/8/10	6/29/10
9/23/09	7/27/10	8/11/10
8/4/10	8/10/10	8/25/10
9/1/10	12/14/10	1/25/11
9/1/10	2/10/11	6/20/11
8/3/11	8/9/11	8/25/11
11/2/11	11/8/11	11/23/11
5/2/12	5/8/12	5/24/12

ZONING AMENDMENT DATES (continued)

Public Hearing Date	Date Approved by Board of Commissioners	Date Recorded
9/5/12 & 10/3/12	11/13/12	11/28/12
3/5/14	3/11/14	4/10/14
8/6/14	8/12/14	8/27/14
2/4/15	2/10/14	2/26/15
4/1/15	4/14/15	5/4/15
6/3/15	6/9/15	6/25/15
7/1/15	7/14/15	8/19/15
6/1/16	6/14/16	7/5/16
8/3/16	8/9/16	9/12/16
12/7/16	12/14/16	12/30/16
2/1/217	2/14/17	3/6/17
11/1/17	11/14/17	12/1/17
2/7/18	2/13/18	3/1/18
3/14/18	3/27/18	4/13/18
2/25/19	2/26/19	3/18/19
8/7/19	8/14/19	8/30/19
10/2/19	10/8/19	10/23/19
5/6/20	5/12/20	6/5/20
7/1/20	7/14/20	7/31/20
10/7/20	10/13/20	11/4/20
11/4/20	11/10/20	12/10/20
2/3/21	2/9/21	3/4/21

ZONING AMENDMENT DATES (continued)

Public Hearing Date	Date Approved by Board of Commissioners	Date Recorded
3/10/21	3/23/21	3/24/21
4/7/21	4/14/21	4/14/21
5/5/21	5/11/21	5/11/21
8/4/21	8/10/21	8/12/21
7/7/21	8/24/21	8/25/21
10/6/21	10/12/21	10/13/21
2/2/22	2/8/22	2/8/22
4/6/22	4/12/22	4/12/22
5/4/22	5/10/22	5/10/22
8/3/22	8/9/22	8/11/22
9/7/22	9/13/22	9/14/22
4/5/23	4/11/23	4/13/23
5/3/23	5/9/23	5/9/23

Chapter 27 Exhibits

- A. Natural Resource Areas Maps, Conservation Corridors Maps and Legal Description
- B. General Development Concept Plan; Concept Plan with Ghost Plat (Future Urban Density)
- C. Conservation Subdivision Design Process
- D. Enhanced Groundwater Sensitivity Area
- E. Township Subdivision Roadway Design Standards
- F. Development Agreement Outline
- G. Implementation Policy
- H. Application Form(s) **Current form(s) are available at the Environmental Services Office.**
- I. Manure Application Setbacks
- J. Airport Overlay District
- K. 7020.0300 Definitions
- L. General Permit Authorization to Discharge Stormwater Associated with Construction
- M. MPCA Construction SWPPP Template
- N. Closed Landfill Use Plan – Dodge County Landfill
- O. Transportation Overlay District Map
- P. Properties Subject to Section 21.9.2.B
- Q. Future City Boundary Maps